

STATE OF MAINE

MAINE FUEL BOARD

LAWS AND RULES



DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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LAWS

Maine Revised Statute Title 32, Chapter 139: MAINE FUEL BOARD

Subchapter 1: GENERAL PROVISIONS

32 §18101. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

1. Accessory equipment. "Accessory equipment" means equipment, materials and controls that are not integral parts of the oil, solid fuel, propane or natural gas burning unit but that are connected to the oil, solid fuel, propane or natural gas burning unit and have the potential to affect the safety of the equipment.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. ASME container. "ASME container" means a container constructed in accordance with a code developed by the American Society of Mechanical Engineers or its successor organization.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

3. Board. "Board" means the Maine Fuel Board established in Title 5, section 12004-A, subsection 49.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

4. Chimney. "Chimney" means a factory-built, masonry or metal chimney constructed to allow one or more vertical or nearly vertical passageways for conveying flue gases from a building to the outside atmosphere.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

5. Dispensing station. "Dispensing station" means a licensed facility consisting of fixed equipment where propane or natural gas is stored and dispensed into portable containers.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

6. Equipment installations. "Equipment installations" means the installation, alteration or repair of oil, solid fuel, propane or natural gas burning equipment and chimneys, including accessory equipment as relating only to the safety of the installation. Associated electrical equipment must be wired in compliance with the rules of the Electricians' Examining Board established in Title 5, section 12004-A, subsection 13.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

7. Natural gas. "Natural gas" means hydrocarbon fuel in a gaseous state with a composition of predominantly CH₄, delivered by pipeline to the property of the consumer.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

8. NFPA. "NFPA" means the National Fire Protection Association.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

9. Propane. "Propane" means a hydrocarbon fuel with a chemical composition of predominantly C₃H₈, whether recovered from natural gas or from crude oil.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

10. Self-service dispensing station. "Self-service dispensing station" means a licensed facility where propane or natural gas is dispensed into permanently mounted fuel containers on vehicles and is operated by the general public at a dispensing station.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

11. Solid fuel. "Solid fuel" means coal, wood and other similar organic materials or any combination of them.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

12. State fuel inspector. "State fuel inspector" means a person employed by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation to enforce the provisions of this chapter.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF); 2011, c. 286, Pt. B, §5 (REV) .]

13. Wood pellets. "Wood pellets" means a wood fuel product manufactured from compressed sawdust or other wood by-product that is pressed or extruded into pieces of uniform size and shape that are designed to be fed in bulk to a combustion chamber. "Wood pellets" does not include ground wood chips.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF). 2011, c. 286, Pt. B, §5 (REV).

32 §18102. LICENSE REQUIRED

A person who installs or services oil, solid fuel, propane or natural gas burner equipment and a facility where propane or natural gas is dispensed must be licensed under this chapter, except as provided under section 18104. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18103. VIOLATIONS; PENALTIES

1. Unlicensed practice. A person, firm or corporation who makes an oil, solid fuel, propane or natural gas installation without being licensed as provided by subchapter 3

or who employs an unlicensed person to make installations is subject to the provisions of Title 10, section 8003-C.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18104. EXCEPTIONS

The licensing provisions of this chapter do not apply to: [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

1. Electricians. An electrician duly licensed under chapter 17 insofar as the installation of electrical equipment or the performance of any electrical work involved in the installation of oil or solid fuel or propane or natural gas burners is concerned;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Engineers and operators. A person holding an engineer's license issued under section 15109, or working under the general supervision of one so licensed while performing oil or solid fuel burner repair and maintenance on propane or natural gas burning equipment as is necessary in the steam or heating plant where that person is employed, if that work is performed in compliance with section 18107, or a person employed by companies under the jurisdiction of the Public Utilities Commission;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

3. Equipment. Solid fuel burning fireplace stoves, room heaters and stoves designed exclusively for heating and cooking and not attached to a central heating system and heating or cooling equipment operated by means of solar energy;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

4. Highway transport drivers. A highway transport driver who drives a tractor-trailer commercial motor vehicle that has a cargo tank with a water capacity of 9,000 gallons or more and delivers propane to a bulk plant, as defined in NFPA standards, Number 58, or industrial customers;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

5. Individual user of a self-service propane or natural gas dispensing station. An individual user of a self-service propane or natural gas dispensing station;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

6. Mechanics. The installation of air-handling equipment, sheet metal and other

specialized equipment and services associated with oil or solid fuel or propane or natural gas burning equipment made by qualified mechanics of those trades who do not hold a master oil and solid fuel burning technician's license under section 18132, journeyman oil and solid fuel burning technician's license under section 18133, apprentice oil and solid fuel burning technician's license under section 18134 or propane and natural gas technician's license under section 18135. Such an installation must conform to the standards and rules of the board and must be made under the supervision of a master oil and solid fuel burning technician or propane and natural gas technician having responsibility for the installation;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

7. Personal abode. A person making an oil, solid fuel, propane or natural gas burning installation in a single family residence occupied or to be occupied by that person as that person's bona fide personal abode, provided that the installation conforms with standards and rules of the board;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

8. Persons working on internal combustion engines and associated gas trains. A person who works on internal combustion engines and associated gas trains;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

9. Plumbers. A plumber duly licensed under chapter 49 insofar as the work covered by that chapter is involved; and

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

10. Regular employees of industrial facilities. Regular employees of industrial plants installing and servicing oil, solid fuel, propane or natural gas burning equipment of greater than 10,000,000 BTUs per hour input.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18105. MUNICIPAL LICENSES NOT REQUIRED; MUNICIPAL PERMITS

A municipality, notwithstanding any provision of a municipal charter, may not require an oil and solid fuel burning technician or a propane and natural gas technician to be municipally licensed. A municipality may not issue a permit for an oil, solid fuel, propane or natural gas burning installation unless satisfied that the person applying for the permit complies with the requirements of this chapter. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18106. MAJOR EQUIPMENT SALES INFORMATION

Upon request by the board or its authorized agent, a wholesaler or retailer of major oil, solid fuel, propane and natural gas heating equipment shall provide sales information to the board regarding that equipment. Sales information regarding the equipment may include the identity of the purchaser, the date of purchase, the make, model and serial number, if applicable, and any other information requested. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18107. INSTALLATIONS TO CONFORM TO STANDARDS

1. Board standards and rules. Installation of oil, solid fuel, propane and natural gas burning equipment and chimneys may not be made in this State unless the installation complies with all the standards and rules adopted by the board. These standards and rules may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or [2011, c. 225, §2 (NEW).]

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or other testing laboratory approved by the board; and
- (5) The solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. [2011, c. 225, §2 (NEW).]

[2011, c. 225, §2 (NEW) .]

2. Technician responsibility for ascertaining total conformance to the standards and rules. Whenever oil, solid fuel, propane and natural gas burning equipment, accessory equipment or its installation are separately contracted, the master oil and solid fuel burning technician or the propane and natural gas technician in charge of the installation is responsible for ascertaining total conformance to the standards and rules adopted by the board.

[2011, c. 225, §2 (NEW) .]

3. Proof of license. Whenever a state fuel inspector authorized under section 18110 finds a person installing or assisting in an oil, propane, natural gas or solid fuel burning appliance installation, that person shall, on request of the state fuel inspector, provide evidence of being properly licensed when required by this chapter and, if unable to provide the evidence, shall furnish the state fuel inspector with that person's full name and address and, if applicable, the full name and address of the master oil and solid fuel burning technician or the propane and natural gas technician in charge.

[2011, c. 225, §2 (NEW) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF). 2009, c. 652, Pt. A, §46 (AMD). 2011, c. 225, §2 (RPR).

32 §18108. DISCLOSURES; PENALTIES

A person, firm or company that installs a chimney or fireplace for compensation must issue, prior to the installation taking place, a disclosure statement to a consumer that the chimney or fireplace complies with NFPA standards, Number 211. The disclosure statement must be in a format approved by the board and contain the information the board considers necessary. Any chimney or fireplace installer who fails to provide the required disclosure statement to a consumer prior to the installation of a chimney or fireplace commits a civil violation for which a fine of not less than \$500 may be adjudged. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18109. INSPECTION OF ABOVEGROUND AND UNDERGROUND PROPANE AND NATURAL GAS STORAGE FACILITIES AND ROOFTOP INSTALLATIONS OF ASME CONTAINERS

The board shall inspect and issue permits to aboveground and underground propane and natural gas storage facilities and rooftop installations of ASME containers to a person who applies and submits a fee under section 18143. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18110. STATE FUEL INSPECTOR

1. Inspection. A state fuel inspector, upon written complaint or whenever a state fuel inspector considers it necessary, for purposes of examination may enter into and upon and inspect all buildings, dispensing stations and premises within that state fuel inspector's jurisdiction at all reasonable hours. An inspector may enter a building, dispensing station or other premises within that state fuel inspector's jurisdiction only with the permission of the person having control of the building, dispensing station or other premises or, after hearing, upon order of the court. Whenever a state fuel

inspector finds any installation of oil, solid fuel, propane or natural gas equipment or a chimney in a building or structure that does not comply with the requirements of this chapter, that inspector shall order that the installation be removed or remedied, and that order must be complied with immediately by the owner or occupant of the building, dispensing station or other premises or by the installer of the equipment in violation. If a state fuel inspector finds an installation that falls under the inspector's jurisdiction in a building, dispensing station or structure that creates a danger to other property or to the public, the inspector may serve a written order upon the owner and the occupant, if any, to vacate within a reasonable period of time to be stated in the order.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Order to correct deficiency; appeal. A person ordered by a state fuel inspector to correct a deficiency or to vacate a building or structure may appeal the order by filing a written notice of appeal with the board within 30 days after receipt of the order. The board shall schedule an appeal hearing as soon as practicable upon receipt of a timely notice of appeal. The appeal hearing must be conducted de novo and is governed by the provisions of the Maine Administrative Procedure Act applicable to adjudicatory hearings. The state fuel inspector who issued the order on appeal has the burden of proof at the appeal hearing. If the board upholds the order, it shall prescribe the time required for compliance. The person receiving the order under subsection 1 may appeal the board's decision by filing a petition for review in Superior Court in accordance with Title 5, chapter 375, subchapter 7 within 30 days after receipt of the board's written decision.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

3. Final orders. The decision of the Superior Court on an appeal is final. An order by a state fuel inspector and an order by the board are final and subject to no further appeal upon failure to file a timely, written appeal as provided in subsection 2.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

4. Injunction to enforce order. Upon the failure of any person to carry out a final order as provided in subsection 3, the board may petition the Superior Court for the county in which the building or dispensing station or structure is located for an injunction to enforce that order. If the court determines, on hearing such a petition, that a lawful final order was issued, it shall order compliance.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

5. Authority of state fuel inspectors. A state fuel inspector has authority throughout the several counties of the State, similar to that of a sheriff's, relating to enforcement of this chapter and rules adopted under this chapter. These powers are limited to the issuing of citations, the serving of summonses, the conducting of investigations, the ordering of corrections of violations and the issuance of orders to vacate a building or structure in accordance with this chapter. A state fuel inspector may review the oil, solid fuel, propane or natural gas equipment or chimney installation records of any person licensed under this chapter or any person performing installations

authorized under this chapter.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18111. FAILURE TO COMPLY WITH ORDER OF A STATE FUEL INSPECTOR

If the owner, occupant of any building or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of a state fuel inspector, that person commits a civil violation for which a fine of not less than \$100 for each day's neglect may be adjudged. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

Subchapter 2: MAINE FUEL BOARD

32 §18121. BOARD ESTABLISHED; MEMBERSHIP; TERMS

The Maine Fuel Board, established by Title 5, section 12004-A, subsection 49, consists of 9 members. The Governor shall appoint the members described in subsections 1 to 4. All members must be residents of this State. The 7 members that are required to hold a license must have been licensed for at least the 7 years immediately prior to appointment to the board. The board consists of: [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

1. Oil and solid fuel burning technicians. Three members who each hold a valid license as a master oil and solid fuel burning technician, including one licensed by a solid fuel authority;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Propane and natural gas technicians. Three members who each hold a valid license as a propane and natural gas technician, including one who works in the natural gas industry;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

3. Dual licensed member. One member who is licensed both as a master oil and solid fuel burning technician and a propane and natural gas technician;

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

4. Public member. One public member as defined in Title 5, section 12004-A; and
[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

5. Member appointed by Commissioner of Public Safety. One member appointed by the Commissioner of Public Safety as that commissioner's representative.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. A board member may be removed by the Governor for cause. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18122. MEETINGS; CHAIR; QUORUM

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Five members of the board constitute a quorum. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18123. POWERS AND DUTIES

The board has the following powers and duties. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

1. Board to enforce this chapter. The board shall enforce the provisions of this chapter.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Rules. The board may adopt rules commensurate with the authority vested in it by this chapter, including, but not limited to, rules adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted pursuant to this subsection may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
 - (2) The chimney is lined and structurally intact; and
 - (3) A carbon monoxide detector is installed in the building near a bedroom; or
- [2011, c. 225, §3 (NEW).]

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or

other testing laboratory approved by the board; and

(5) The solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. [2011, c. 225, §3 (NEW).]

The board may adopt by rule national or other technical standards, in whole or in part, that it considers necessary to carry out the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[2011, c. 225, §3 (RPR) .]

3. Emerging technologies. The board may authorize specific pilot projects relating to emerging fuel fired heating technologies and may waive application of its rules to approved pilot projects. The board may request from the proponent of a pilot project such information as the board may require to evaluate the potential benefit of the pilot project. An order of the board approving a pilot project must describe the nature, scope and duration of the project; must contain such performance expectations, conditions and reporting requirements as the board considers necessary to ensure accountability and protect the public health and safety; and must identify the board rules waived in connection with the project. An emerging technologies pilot project authorized by the board is subject to the provisions of sections 18103 and 18111.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF). 2009, c. 652, Pt. A, §47 (AMD). 2011, c. 225, §3 (AMD).

Subchapter 3: LICENSING

32 §18131. GENERAL QUALIFICATIONS

An applicant for a license under this subchapter must submit a properly completed application on forms furnished by the board, together with the fee established under section 18143. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18132. MASTER OIL AND SOLID FUEL BURNING TECHNICIAN

1. Scope of license. A master oil and solid fuel burning technician may install, clean, service, alter or repair oil and solid fuel burning equipment and must hold one or more of the following authorities: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and solid fuel.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Professional qualifications. Each applicant for a master oil and solid fuel burning license must meet the following qualifications:

A. The applicant must demonstrate 4 years of licensed practical experience as an apprentice oil and solid fuel burning technician and a journeyman oil and solid fuel burning technician and evidence that the licensed practical experience for at least 2 of those 4 years was as a licensed journeyman oil and solid fuel burning technician or other requirements the board may establish. Courses approved by the board that apply to a journeyman license cannot be applied toward the requirements for a master license; and [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. The applicant must pass an examination approved by the board. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil and solid fuel burning equipment.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18133. JOURNEYMAN OIL AND SOLID FUEL BURNING TECHNICIAN

1. Scope of license. A journeyman oil and solid fuel burning technician may install, clean, service, alter or repair oil and solid fuel burning equipment and must hold one or more of the following authorities: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and solid fuel. A journeyman oil and solid fuel burning technician may install oil and solid fuel burning equipment under the indirect supervision of a master oil and solid fuel burning technician who has the same authority or higher and must at all times be under the indirect supervision of, or in the employ of, a master oil and solid fuel burning technician.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Professional qualifications. Each applicant for a journeyman oil and solid fuel burning license must pass an examination approved by the board and must meet one of the following qualifications:

A. One year of licensed practical experience as an apprentice oil and solid fuel burning technician; [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. Six months of licensed practical experience as an apprentice oil and solid fuel burning technician and completion of an oil burner technician course at a community college, career and technical education center or career and technical education region or a comparable institute in the State or another state consisting, at a minimum, of 160 hours of study, of which at least 75 hours are made up of laboratory work on oil burner equipment and related systems; or [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

C. Successful completion of a minimum one-year accredited heating course at a community college in this State consisting at a minimum of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment

and related systems. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil and solid fuel burning equipment.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18134. APPRENTICE OIL AND SOLID FUEL BURNING TECHNICIAN

1. Scope of license. An apprentice oil and solid fuel burning technician may:

A. Assist in making oil and solid fuel installations and repairing and servicing of oil and solid fuel burning equipment under the direct supervision of a master or journeyman oil and solid fuel burning technician who holds the same or higher authority. License authorities include: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and solid fuel; [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. Clean oil and solid fuel burning equipment without direct supervision if the licensee has either successfully completed at least 160 hours of training approved by the board or completed at least one year of supervised oil and solid fuel burning work experience; and [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

C. Bleed an oil burner without direct supervision. If the oil burner fails to operate after bleeding, the apprentice shall refer the problem to a journeyman oil and solid fuel burning technician or master oil and solid fuel burning technician. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18135. PROPANE AND NATURAL GAS TECHNICIAN

1. Scope of license. A propane and natural gas technician may install, repair or service propane or natural gas equipment and must be authorized in one of the following authorities:

A. Appliance connection and service, which permits the technician to install and service propane and natural gas appliances up to 500,000 BTUs per appliance; [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. Delivery, which permits the technician to deliver propane, either by liquid transfer into a stationary container on the property of the consumer or by placing a portable container on the property of the consumer; [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

C. Large equipment connection and service, which permits the technician to install

and service propane and natural gas appliances over 500,000 BTUs per appliance; [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

D. Plant operation, which permits the technician to work at a propane facility as defined in NFPA standards, Number 58; or [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

E. Tank setting and outside piping, which permits the technician to set and maintain propane tanks and outside piping. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Professional qualifications. Each applicant for a propane and natural gas technician license must meet one of the following qualifications:

A. Successful completion of the certified employee training program of a national propane gas association; or [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. Successful completion of a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and passage of an examination approved by the board. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing propane and natural gas burning equipment.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18136. PROPANE AND NATURAL GAS HELPER

A propane and natural gas helper may assist in making propane and natural gas installations and repairing and servicing of propane and natural gas equipment under the direct supervision of a propane and natural gas technician who has the same authority as described under section 18135, subsection 1 as the supervising propane and natural gas technician. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18137. TEMPORARY LICENSE; PLANT OPERATOR OR DELIVERY TECHNICIAN

1. Scope of license. A temporary license may be issued to a plant operator or delivery technician to practice as follows:

A. Authority to practice as a plant operator is restricted to work at a propane facility as defined in NFPA standards, Number 58; and [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. Authority to practice as a delivery technician is restricted to the delivery of propane, either by liquid transfer into a stationary container on the property of a consumer or by placing a portable container on the property of a consumer. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. License term. An applicant for a temporary plant operator or delivery technician license must apply for a temporary plant operator or delivery technician license within 90 days after first performing the functions listed in subsection 1 and may be issued a license for a 1-year term, which may not be renewed. A new temporary plant operator or delivery technician license may not be issued within 3 years following the date of issuance of the previous temporary plant operator or delivery technician license.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18138. LIMITED OIL ENERGY AUDITOR

1. Scope of license. A limited oil energy auditor's privileges to practice are restricted to the performance of combustion safety and efficiency testing on oil-fired space-heating equipment or water-heating equipment to ensure health and safety standards and do not include any adjustment of oil-fired space-heating equipment or water-heating equipment.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Professional qualifications. A limited oil energy auditor must provide to the board, at a minimum, satisfactory evidence of relevant training and written and field certification that conform to standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent residential energy auditor certification program in the State or an equivalent training and education program as determined by the board.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18139. LIMITED PROPANE AND NATURAL GAS ENERGY AUDITOR

1. Scope of license. A limited propane energy auditor's privileges are restricted to the performance of combustion safety and efficiency testing on natural gas-fired or propane gas-fired space-heating equipment or water-heating equipment to ensure health and safety standards and do not include any adjustment of natural or propane gas-fired space-heating equipment or water-heating equipment.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Professional qualifications. A limited propane energy auditor must provide to the board, at a minimum, satisfactory evidence of relevant training and written and field certification that conform to standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent residential energy auditor certification program in the State or an equivalent training and education program as determined by the board.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18140. LIMITED TANK INSTALLER

1. Scope of license. A limited tank installer's privileges to practice are restricted to installing outside residential heating oil tanks at manufactured housing as defined by Title 10, section 9002, subsection 7, paragraph A.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Issuance of license. The following provisions govern the issuance of a limited tank installer's license.

A. A limited tank installer's license may be issued to:

(1) A licensed manufactured housing mechanic as defined in Title 10, section 9002; or

(2) The owner of a manufactured housing dealership for the limited purpose of installing heating oil tanks at manufactured housing that has been sold by the owner. The license is revoked upon the owner ceasing to operate as a manufactured housing dealer. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. A limited tank installer's license may be issued jointly to a licensed manufactured housing dealer, as defined in Title 10, section 9002, and an individual employee of the dealer who is named as the corecipient of the joint limited tank installer's license. The corecipient dealer and employee are restricted to installing heating oil tanks at manufactured housing that was sold by the dealer. The joint limited tank installer's license is revoked upon termination of the employee named as the corecipient of the joint limited tank installer's license from the employ of the dealer. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

3. Professional qualifications. A limited tank installer must provide satisfactory evidence to the board of completion of a board-approved training program of at least 4 hours for proper installation of an outside oil tank.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18141. LIMITED WOOD PELLET TECHNICIAN

A limited wood pellet technician's privileges to practice are restricted to cleaning the ash pan, cleaning the burn pot, scraping and cleaning the distribution tubes, emptying fines from the collection box and cleaning the fan. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18142. LICENSURE; INSTALLATION AND MAINTENANCE STANDARDS; DISPENSING STATIONS

The following licensing, maintenance and installation standards apply to dispensing stations operating in the State. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

1. License required. An application for licensure of a dispensing station or self-service dispensing station must be made by the owner and, if approved by the board, the license must be issued in the name of the owner.

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

2. Responsibilities. The owner of a dispensing station or self-serving dispensing station is responsible for the following.

A. A dispensing station operating in the State must comply with section 18107 and the standards and rules adopted by the board, including, but not limited to, NFPA standards, Numbers 54 and 58, and amendments to and replacements of those standards. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

B. The on-site operator of a dispensing station must be trained to be the limited operator of the facility. The limited operator is responsible for training other dispensing station employees and documenting that training. The training must include the use of a manual prepared by a regional propane gas association, a video prepared by a national propane gas association or equivalent materials approved by the board. The training documentation must be kept at the dispensing station. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

C. The owner of a dispensing station must file a new application for licensure with the board within 30 days when:

(1) A dispensing station is relocated; or

(2) A dispensing station undergoes major repair or renovation. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

[2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

32 §18143. FEES

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for

purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF); 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF). 2011, c. 286, Pt. B, §5 (REV).

32 §18144. RENEWALS

A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A renewal license may be issued for each ensuing licensing period in the absence of any reason or condition that might warrant the refusal to grant a license upon receipt by the board of the written request of the applicant and the fee for the license set under section 18143. An expired license may be reissued up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 18143. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter and is subject to a renewal fee, late fee and additional late fee as set under section 18143, except that the board may, in its discretion and giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of that expiration. [2009, c. 344, Pt. C, §3 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

2009, c. 344, Pt. C, §3 (NEW). 2009, c. 344, Pt. E, §2 (AFF).

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**Maine Revised Statute Title 5, Chapter 341: OCCUPATIONAL LICENSE
DISQUALIFICATION ON BASIS OF CRIMINAL RECORD**

5 §5301. ELIGIBILITY FOR OCCUPATIONAL LICENSE, REGISTRATION OR PERMIT

1. Effect of criminal history record information respecting certain convictions.

Subject to subsection 2 and sections 5302 and 5303, in determining eligibility for the granting of any occupational license, registration or permit issued by the State, the appropriate State licensing agency may take into consideration criminal history record information from Maine or elsewhere relating to certain convictions which have not been set aside or for which a full and free pardon has not been granted, but the existence of such information shall not operate as an automatic bar to being licensed, registered or permitted to practice any profession, trade or occupation.

[1989, c. 84, §1 (AMD) .]

2. Criminal history record information which may be considered. A licensing agency may use in connection with an application for an occupational license, registration or permit criminal history record information pertaining to the following:

A. Convictions for which incarceration for less than one year may be imposed and which involve dishonesty or false statement; [1977, c. 287, §1 (RPR).]

B. Convictions for which incarceration for less than one year may be imposed and which directly relate to the trade or occupation for which the license or permit is sought; [1977, c. 287, §1 (RPR).]

C. Convictions for which no incarceration can be imposed and which directly relate to the trade or occupation for which the license or permit is sought; [1989, c. 84, §1 (AMD).]

D. Convictions for which incarceration for one year or more may be imposed; or [1989, c. 84, §1 (AMD).]

E. Convictions for which incarceration for less than one year may be imposed and that involve sexual misconduct by an applicant for massage therapy licensure or a licensed massage therapist or an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy, the State Board of Alcohol and Drug Counselors, the Board of Respiratory Care Practitioners, the Board of Counseling Professionals Licensure, the Board of Occupational Therapy Practice, the Board of Speech, Audiology and Hearing , the Radiologic Technology Board of Examiners, the Nursing Home Administrators Licensing Board, the Board of Licensure of Podiatric Medicine, the Board of Complementary Health Care Providers, the Maine Board of Pharmacy, the Board of Trustees of the Maine Criminal Justice Academy, the State Board of Nursing and the Emergency Medical Services' Board. [2011, c. 286, Pt. O, §1 (AMD).]

[2011, c. 286, Pt. O, §1 (AMD) .]

SECTION HISTORY

1975, c. 150, (NEW). 1977, c. 287, §1 (RPR). 1989, c. 84, §1 (AMD). 1993, c. 600, §§B20-22 (AMD). 1995, c. 131, §1 (AMD). 1995, c. 162, §1 (AMD). 1995, c. 625, §A11 (AMD). 2005, c. 347, §A1 (AMD). 2007, c. 369, Pt. A, §1 (AMD). 2007, c. 369, Pt. C, §5 (AFF). 2011, c. 286, Pt. O, §1 (AMD).

5 §5302. DENIAL, SUSPENSION, REVOCATION OR OTHER DISCIPLINE OF LICENSEES BECAUSE OF CRIMINAL RECORD

1. Reasons for disciplinary action. Licensing agencies may refuse to grant or renew, or may suspend, revoke or take other disciplinary action against any occupational license, registration or permit on the basis of the criminal history record information relating to convictions denominated in section 5301, subsection 2, but only if the licensing agency determines that the applicant, licensee, registrant or permit holder so convicted has not been sufficiently rehabilitated to warrant the public trust. The applicant, licensee, registrant or permit holder shall bear the burden of proof that there exists sufficient rehabilitation to warrant the public trust.

[1989, c. 84, §2 (AMD) .]

2. Reasons to be stated in writing. The licensing agency shall explicitly state in writing the reasons for a decision which prohibits the applicant, licensee, registrant or permit holder from practicing the profession, trade or occupation if that decision is based in whole or in part on conviction of any crime described in section 5301, subsection 2.

[1989, c. 84, §2 (AMD) .]

SECTION HISTORY

1975, c. 150, (NEW). 1977, c. 287, §§2,3 (AMD). 1989, c. 84, §2 (AMD).

5 §5303. TIME LIMIT ON CONSIDERATION OF PRIOR CRIMINAL CONVICTION

1. Three-year limits. Except as set forth in this subsection and subsection 2, the procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation shall apply within 3 years of the applicant's or licensee's final discharge, if any, from the correctional system. Beyond the 3-year period, ex-offender applicants or licensees with no additional convictions are to be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions. There is no time limitation for consideration of an applicant's or licensee's conduct which gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action against a licensee.

[1989, c. 84, §3 (NEW) .]

2. Ten-year limits. For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of the Maine Criminal Justice Academy, the State Board of

Examiners in Physical Therapy, the State Board of Alcohol and Drug Counselors, the Board of Respiratory Care Practitioners, the Board of Counseling Professionals Licensure, the Board of Occupational Therapy Practice, the Board on Speech-language Pathology , Audiology and Hearing Aid Dealing and Fitting, the Radiologic Technology Board of Examiners, the Nursing Home Administrators Licensing Board, the Board of Licensure of Podiatric Medicine, the Board of Complementary Health Care Providers, the Maine Board of Pharmacy, and the Emergency Medical Services' Board and applicants for massage therapy licensure or licensed massage therapists, the following apply.

A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system. [1995, c. 625, Pt. A, §12 (RPR).]

B. Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions must be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions. [1995, c. 625, Pt. A, §12 (RPR).]

C. There is no time limitation for consideration of a registrant's, an applicant's or licensee's conduct that gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action. [1995, c. 625, Pt. A, §12 (RPR).]

[2007, c. 369, Pt. A, §2 (AMD); 2007, c. 369, Pt. C, §5 (AFF) .]

SECTION HISTORY

1975, c. 150, (NEW). 1989, c. 84, §3 (RPR). 1993, c. 600, §§B20-22 (AMD). 1995, c. 131, §2 (AMD). 1995, c. 162, §2 (AMD). 1995, c. 625, §A12 (AMD). 2005, c. 347, §A2 (AMD). 2007, c. 369, Pt. A, §2 (AMD). 2007, c. 369, Pt. C, §5 (AFF).

5 §5304. APPEALS

Any person who is aggrieved by the decision of any licensing agency in possible violation of this chapter may file a statement of complaint with the District Court designated in chapter 375. [1999, c. 547, Pt. B, §14 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

1975, c. 150, (NEW). 1987, c. 402, §A54 (AMD). 1999, c. 547, §B14 (AMD). 1999, c. 547, §B80 (AFF).

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Maine Revised Statute Title 10, Chapter 901: DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

10 §8001. DEPARTMENT; ORGANIZATION

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, grantors of consumer credit and to license and regulate professions and occupations. The mission of the department is to encourage sound, ethical business practices through high-quality, impartial and efficient regulation of insurers, financial institutions, creditors, investment providers and numerous professions and occupations for the purpose of protecting consumers. The department is composed of the following: [1999, c. 687, Pt. C, §1 (AMD).]

1. Bureau of Financial Institutions. Bureau of Financial Institutions;

[2001, c. 44, §14 (AFF); 2001, c. 44, §9 (AMD) .]

2. Bureau of Consumer Credit Protection. Bureau of Consumer Credit Protection;

[1995, c. 309, §26 (AMD); 1995, c. 309, §29 (AFF); 1995, c. 397, §4 (AMD); 2007, c. 273, Pt. B, §5 (REV); 2007, c. 695, Pt. A, §47 (AFF) .]

3. Bureau of Insurance. Bureau of Insurance;

[1995, c. 397, §4 (AMD) .]

3-A. Office of Securities. Office of Securities; and

[2001, c. 182, §5 (NEW) .]

4. Maine Athletic Commission.

[1995, c. 397, §5 (RP) .]

5. Maine State Pilotage Commission.

[1995, c. 397, §5 (RP) .]

6. Real Estate Commission.

[1995, c. 397, §5 (RP) .]

7. Arborist Examining Board.

[1995, c. 397, §5 (RP) .]

8. Board of Licensing of Auctioneers.

[1995, c. 397, §5 (RP) .]

9. Board of Barbering and Cosmetology.

[1995, c. 397, §5 (RP) .]

10. Board of Commercial Driver Education.

[1995, c. 397, §5 (RP) .]

10. Board of Driver Education.

[1995, c. 505, §22 (AFF); 1995, c. 505, §4 (RP) .]

11. Board of Licensing of Dietetic Practice.

[1995, c. 397, §5 (RP) .]

12. Electricians' Examining Board.

[1995, c. 397, §5 (RP) .]

13. State Board of Licensure for Professional Foresters.

[1995, c. 397, §5 (RP) .]

14. State Board of Funeral Service.

[1995, c. 397, §5 (RP) .]

15. State Board of Certification for Geologists and Soil Scientists.

[1995, c. 397, §5 (RP) .]

16. Board of Hearing Aid Dealers and Fitters.

[1995, c. 397, §5 (RP) .]

17. Manufactured Housing Board.

[1995, c. 397, §5 (RP) .]

18. Nursing Home Administrators Licensing Board.

[1995, c. 397, §5 (RP) .]

19. Board of Occupational Therapy Practice.

[1995, c. 397, §5 (RP) .]

20. Oil and Solid Fuel Board.

[1995, c. 397, §5 (RP) .]

21. Board of Examiners in Physical Therapy.

[1995, c. 397, §5 (RP) .]

22. Plumbers' Examining Board.

[1995, c. 397, §5 (RP) .]

22-A. Board of Licensure of Podiatric Medicine.

[1995, c. 397, §6 (RP) .]

23. State Board of Examiners of Psychologists.

[1995, c. 397, §7 (RP) .]

24. Radiologic Technology Board of Examiners.

[1995, c. 397, §7 (RP) .]

25. Board of Respiratory Care Practitioners.

[1995, c. 397, §7 (RP) .]

26. State Board of Social Worker Licensure.

[1995, c. 397, §7 (RP) .]

27. Board of Examiners on Speech Pathology and Audiology.

[1995, c. 397, §7 (RP) .]

28. State Board of Substance Abuse Counselors.

[1995, c. 397, §7 (RP) .]

29. State Board of Veterinary Medicine.

[1995, c. 397, §7 (RP) .]

30. Acupuncture Licensing Board.

[1995, c. 397, §7 (RP) .]

31. Board of Commissioners of the Profession of Pharmacy.

[1995, c. 397, §7 (RP) .]

32. Board of Licensure for Professional Land Surveyors.

[1995, c. 397, §7 (RP) .]

32-A. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.

[1995, c. 397, §8 (RP) .]

33. Board of Chiropractic Licensure.

[1995, c. 397, §9 (RP) .]

34. Board of Licensure of Railroad Personnel.

[1993, c. 428, §2 (RP) .]

35. Board of Counseling Professionals Licensure.

[1995, c. 625, Pt. A, §17 (RP) .]

36. Board of Real Estate Appraisers.

[1995, c. 625, Pt. A, §17 (RP) .]

37. Real Estate Commission.

[1995, c. 502, Pt. H, §7 (RP) .]

38. Office of Professional and Occupational Regulation. Office of Professional and Occupational Regulation. The Office of Professional and Occupational Regulation is composed of the following:

A. Board of Accountancy; [1995, c. 397, §11 (NEW).]

B. [1995, c. 671, §6 (RP).]

C. [1999, c. 386, Pt. B, §1 (RP).]

D. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers; [1995, c. 397, §11 (NEW).]

E. [2011, c. 286, Pt. B, §1 (RP).]

F. Board of Licensing of Auctioneers; [1995, c. 397, §11 (NEW).]

G. [2009, c. 369, Pt. A, §22 (RP).]

H. Board of Chiropractic Licensure; [1995, c. 397, §11 (NEW).]

H-1. Board of Complementary Health Care Providers; [1995, c. 671, §7 (NEW).]

I. [2011, c. 286, Pt. B, §1 (RP).]

J. Board of Counseling Professionals Licensure; [1995, c. 397, §11 (NEW).]

K. Board of Licensing of Dietetic Practice; [1995, c. 397, §11 (NEW).]

L. Electricians' Examining Board; [1995, c. 397, §11 (NEW).]

M. Board of Licensure of Foresters; [1995, c. 397, §11 (NEW); 2001, c. 261, §5 (AMD).]

N. State Board of Funeral Service; [1995, c. 397, §11 (NEW).]

O. State Board of Certification for Geologists and Soil Scientists; [1995, c. 397, §11 (NEW).]

P. [2007, c. 369, Pt. B, §2 (RP); 2007, c. 369, Pt. C, §5 (AFF).]

Q. Board of Licensure for Professional Land Surveyors; [1995, c. 397, §11 (NEW).]

- R. Manufactured Housing Board; [1995, c. 397, §11 (NEW).]
- S. Nursing Home Administrators Licensing Board; [1995, c. 397, §11 (NEW).]
- T. Board of Occupational Therapy Practice; [1995, c. 397, §11 (NEW).]
- U. [2009, c. 344, Pt. B, §1 (RP); 2009, c. 344, Pt. E, §2 (AFF).]
- V. Maine Board of Pharmacy; [1995, c. 397, §11 (NEW); 1997, c. 245, §19 (AMD).]
- W. Board of Examiners in Physical Therapy; [1995, c. 397, §11 (NEW).]
- X. [1997, c. 727, Pt. C, §1 (RP).]
- Y. Plumbers' Examining Board; [1995, c. 397, §11 (NEW).]
- Z. Board of Licensure of Podiatric Medicine; [1995, c. 397, §11 (NEW).]
- AA. State Board of Examiners of Psychologists; [1995, c. 397, §11 (NEW).]
- BB. Radiologic Technology Board of Examiners; [1995, c. 397, §11 (NEW).]
- CC. Board of Real Estate Appraisers; [1995, c. 397, §11 (NEW).]
- DD. Board of Respiratory Care Practitioners; [1995, c. 397, §11 (NEW).]
- EE. State Board of Social Worker Licensure; [1995, c. 397, §11 (NEW).]
- FF. [2007, c. 369, Pt. B, §3 (RP); 2007, c. 369, Pt. C, §5 (AFF).]
- GG. State Board of Alcohol and Drug Counselors; [1995, c. 502, Pt. H, §8 (AMD).]
- HH. State Board of Veterinary Medicine; [1995, c. 502, Pt. H, §8 (AMD).]
- II. [2009, c. 344, Pt. B, §2 (RP); 2009, c. 344, Pt. E, §2 (AFF).]
- JJ. Real Estate Commission; [1995, c. 560, Pt. H, §17 (AFF); 1995, c. 560, Pt. H, §3 (AMD).]
- KK. Board of Boilers and Pressure Vessels; [2011, c. 286, Pt. B, §1 (AMD).]
- LL. Board of Elevator and Tramway Safety; [2009, c. 344, Pt. B, §3 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]
- MM. Board of Speech, Audiology and Hearing ; and [2011, c. 286, Pt. B, §1 (AMD).]
- NN. Maine Fuel Board. [2009, c. 344, Pt. B, §5 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

The Office of Professional and Occupational Regulation also administers the following regulatory functions: licensure of athletic trainers; licensure of massage therapists; licensure of interpreters for the deaf and hard-of-hearing; licensure of persons pursuant to the Charitable Solicitations Act; licensure of transient sellers, including door-to-door home repair transient sellers; and licensure of persons pursuant to the Barbering and Cosmetology Licensure Act.

[2011, c. 286, Pt. B, §1 (AMD) .]

SECTION HISTORY

1971, c. 488, §§1,3 (NEW). 1973, c. 537, §15 (RP). 1973, c. 585, §4 (RPR). 1973, c. 788, §43 (RPR). 1975, c. 134, §4 (AMD). 1975, c. 547, §4 (AMD). 1975, c. 579, §1 (AMD). 1975, c. 767, §9 (RPR). 1975, c. 770, §58 (AMD). 1975, c. 771, §122 (AMD). 1977, c. 78, §36 (RPR). 1977, c. 160, §2 (AMD). 1977, c. 466, §1 (AMD). 1977, c. 673, §1 (AMD). 1979, c. 606, §2 (AMD). 1981, c. 501, §37 (AMD). 1981, c. 703, §A2 (AMD). 1983, c. 553, §11 (AMD). 1983, c. 746, §1 (AMD). 1983, c. 758, §1 (AMD). 1985, c. 233, §2 (RPR). 1985, c. 288, §2 (RPR). 1985, c. 389, §6 (RPR). 1985, c. 737, §A21 (RPR).

1985, c. 748, §15 (RPR). 1985, c. 819, §§A15,16 (AMD). 1987, c. 395, §A34 (RPR). 1987, c. 488, §2 (RPR). 1989, c. 450, §4 (RPR). 1989, c. 465, §2 (RPR). 1989, c. 502, §A31 (RPR). 1989, c. 806, §2 (RPR). 1989, c. 878, §D6 (RPR). 1991, c. 396, §1 (AMD). 1991, c. 397, §3 (AMD). 1991, c. 548, §B1 (RPR). 1993, c. 389, §3 (AMD). 1993, c. 428, §2 (AMD). 1993, c. 600, §§A6,7 (AMD). 1995, c. 309, §26 (AMD). 1995, c. 309, §29 (AFF). 1995, c. 389, §§2,3 (AMD). 1995, c. 397, §§3-11 (AMD). 1995, c. 402, §§A3,47 (AMD). 1995, c. 502, §§H6-8 (AMD). 1995, c. 505, §22 (AFF). 1995, c. 505, §4 (AMD). 1995, c. 560, §§H3,4 (AMD). 1995, c. 560, §H17 (AFF). 1995, c. 625, §A17 (AMD). 1995, c. 671, §§6,7 (AMD). 1997, c. 727, §C1 (AMD). 1997, c. 749, §2 (AMD). 1999, c. 386, §B1 (AMD). 1999, c. 399, §2 (AMD). 1999, c. 399, §20 (AFF). 1999, c. 687, §C1 (AMD). 2001, c. 44, §14 (AFF). 2001, c. 44, §9 (AMD). 2001, c. 182, §5 (AMD). 2001, c. 261, §5 (AMD). 2007, c. 273, Pt. B, §5 (REV). 2007, c. 273, Pt. B, §7 (AFF). 2007, c. 369, Pt. B, §§2-6 (AMD). 2007, c. 369, Pt. C, §5 (AFF). 2007, c. 402, Pt. C, §1 (AMD). 2007, c. 695, Pt. A, §47 (AFF). 2009, c. 344, Pt. B, §§1-5 (AMD). 2009, c. 344, Pt. E, §2 (AFF). 2009, c. 369, Pt. A, §22 (AMD). 2011, c. 286, Pt. B, §1 (AMD).

10 §8001-A. DEPARTMENT; AFFILIATION

The following boards and commissions are affiliated with the Department of Professional and Financial Regulation: [1989, c. 450, §5 (NEW).]

1. State Board of Registration of Architects and Landscape Architects.

[1991, c. 396, §2 (RP) .]

2. State Board of Cosmetology.

[1991, c. 397, §4 (RP) .]

3. Board of Dental Examiners. Dental Examiners, Board of;

[1989, c. 450, §5 (NEW) .]

4. Board of Licensure in Medicine. Medicine, Board of Licensure in;

[1993, c. 600, Pt. A, §8 (AMD) .]

5. State Board of Nursing. Nursing, State Board of;

[1989, c. 450, §5 (NEW) .]

6. Board of Optometric Examiners. Optometric Examiners, Board of;

[1989, c. 450, §5 (NEW) .]

7. Board of Osteopathic Licensure. Osteopathic Licensure, Board of;

[1993, c. 600, Pt. A, §9 (AMD) .]

8. Board of Examiners of Podiatrists.

[1993, c. 600, Pt. A, §10 (RP) .]

9. Board of Registration for Professional Engineers. Professional Engineers, Board of Registration for.

[1989, c. 450, §5 (NEW) .]

SECTION HISTORY

1989, c. 450, §5 (NEW). 1991, c. 396, §2 (AMD). 1991, c. 397, §4 (AMD). 1993, c. 600, §§A8,10 (AMD).

10 §8002. DUTIES AND AUTHORITY OF COMMISSIONER

The Commissioner of Professional and Financial Regulation, referred to in this chapter as the "commissioner," is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. Unless otherwise provided in law, the commissioner may not exercise or interfere with the exercise of discretionary regulatory authority granted by statute to the bureaus, offices, boards or commissions within and affiliated with the department. As chief administrative officer of the department, the commissioner has the following duties and authority to: [2011, c. 1, Pt. AA, §1 (AMD).]

1. Budget. Prepare the budget for the department;

[1975, c. 767, §9 (RPR) .]

2. Personnel. Except as otherwise specified, appoint and remove, subject to the Civil Service Law, all personnel considered necessary to fulfill the duties and functions of the department; appoint an assistant to the commissioner to serve at the commissioner's pleasure; and transfer personnel within the department to ensure efficient utilization of department personnel;

[1995, c. 502, Pt. H, §9 (AMD) .]

3. Purchases. Coordinate the purchase and use of all equipment and supplies within the department;

[1995, c. 502, Pt. H, §9 (AMD) .]

4. Review. Review the organization, functions and operation of bureaus, offices, boards and commissions within and affiliated with the department to ensure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities;

[1995, c. 502, Pt. H, §9 (AMD) .]

5. Liaison. Act as a liaison among the bureaus, offices, boards and commissions within and affiliated with the department and act as liaison between them and the Governor;

[1995, c. 502, Pt. H, §9 (AMD) .]

6. Recommendations. Recommend to the Governor and Legislature those changes in the laws relating to the organization, functions, services or procedures of the bureaus, offices, boards and commissions of the department as the commissioner

determines desirable;

[1995, c. 502, Pt. H, §9 (NEW) .]

7. Delegate authority. Authorize the heads of bureaus, offices, boards and commissions within the department to carry out the commissioner's duties and authority;

[1997, c. 727, Pt. A, §4 (AMD) .]

8. Adequate resources. Ensure that each bureau, office, board and commission has adequate resources to carry out regulatory functions and that the department's expenditures are equitably apportioned;

[1999, c. 184, §12 (AMD) .]

9. Licensing. Coordinate all administrative processes related to licensing functions of bureaus, offices, boards and commissions within the department, including but not limited to the frequency and form of applications and licenses;

[2007, c. 466, Pt. C, §3 (AMD) .]

10. Confidentiality of shared information. Keep confidential any information provided by or to the commissioner that has been designated confidential by the agency, bureau, board or commission within or affiliated with the department that furnished the information and that is the property of the agency, bureau, board or commission that furnished the information. Any information provided pursuant to this subsection may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency, bureau, board or commission that furnished the information; and

[2007, c. 466, Pt. C, §4 (AMD) .]

11. Report on fees. By December 1st of each even-numbered year, conduct a review of the fees assessed by the department and provide a written report to the State Budget Officer and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes the commissioner recommends for the next biennium.

[2007, c. 466, Pt. C, §5 (NEW) .]

SECTION HISTORY

1973, c. 585, §4 (RPR). 1975, c. 134, §5 (AMD). 1975, c. 579, §2 (AMD). 1975, c. 767, §9 (RPR). 1975, c. 770, §59 (AMD). 1977, c. 78, §37 (AMD). 1977, c. 564, §49 (AMD). 1983, c. 489, §7 (AMD). 1983, c. 553, §12 (AMD). 1985, c. 748, §§16,17 (AMD). 1993, c. 659, §B1 (AMD). 1995, c. 502, §H9 (AMD). 1997, c. 727, §§A3-5 (AMD). 1999, c. 184, §§12-14 (AMD). 1999, c. 687, §§C2-4 (AMD). 2007, c. 466, Pt. C, §§3-5 (AMD). 2007, c. 539, Pt. T, §1 (AMD). 2011, c. 1, Pt. AA, §1 (AMD).

10 §8003. DEPARTMENTAL ORGANIZATION; DUTIES

1. Division of Administrative Services. There is created a Division of

Administrative Services, which is a division within the department under the commissioner's office, to provide assistance to the commissioner and to the agencies within and affiliated with the department in civil service matters, budgeting and financial matters, purchasing, and clerical and support services, and to perform other duties the commissioner designates. The commissioner may employ a Director of Administrative Services and clerical and technical assistants necessary to discharge the duties of the division and shall outline their duties and fix their compensation, subject to the Civil Service Law.

A. Within the Division of Administrative Services, there is a computer services section. It is the responsibility of the computer services section to provide technical assistance to the Office of Professional and Occupational Regulation to process and issue original and renewal licenses for the department and for bureaus, offices, boards and commissions within the department as the commissioner directs. The licenses may be processed and issued only upon authorization of the appropriate bureau, office, board or commission or upon the authorization of the commissioner in the case of licenses granted directly by the department. The computer services section shall maintain a central register containing the name and address of each person or firm licensed by profession, occupation or industry and such other information as the commissioner may direct for administration, information or planning purposes. The commissioner, with the advice of the respective bureaus, offices, boards and commissions, may determine the type and form of licenses issued by all agencies within the department. The computer services section shall perform such other administrative services for the agencies within the department as the commissioner directs. [1995, c. 502, Pt. H, §10 (AMD); 2011, c. 286, Pt. B, §5 (REV).]

[1995, c. 502, Pt. H, §10 (AMD); 2011, c. 286, Pt. B, §5 (REV) .]

2. Office of Licensing and Registration.

[1999, c. 687, Pt. C, §5 (RP) .]

2-A. Office of Professional and Occupational Regulation. There is created an Office of Professional and Occupational Regulation, referred to in this subsection as the "office," composed of the boards, commissions and regulatory functions set forth in section 8001, subsection 38. The commissioner may appoint a Director of the Office of Professional and Occupational Regulation and those clerical and technical assistants who are necessary to discharge the duties of the office and shall outline their duties and fix their compensation, subject to the Civil Service Law. Notwithstanding any other provision of law granting authority to a board or commission, the Director of the Office of Professional and Occupational Regulation has the following superseding powers, duties and functions:

A. To administer the office and maximize and direct the use of personnel and financial resources to regulate professionals in the best interest of the public; [1999, c. 687, Pt. C, §6 (NEW).]

B. To prepare and administer, with the advice of the boards and commissions, budgets necessary to carry out the regulatory purposes of the boards and commissions. The Director of the Office of Professional and Occupational

Regulation shall maintain one office budget that includes a separate account for each board or commission. The Director of the Office of Professional and Occupational Regulation has the authority to disapprove expenditures by boards and commissions that are not necessary to protect the public health and welfare or that would seriously jeopardize a board's or commission's fiscal well-being; [1999, c. 687, Pt. C, §6 (NEW); 2011, c. 286, Pt. B, §5 (REV).]

C. To provide all staffing necessary and appropriate to administer the office and carry out the statutory missions of the boards, commissions and regulatory functions. All clerks, technical support staff and supervisors must be assigned to the office and allocated by the director to perform functions on behalf of the various boards, commissions and regulatory functions according to need; [1999, c. 687, Pt. C, §6 (NEW).]

D. To establish by rule and after reasonable notice to the affected board all fees necessary and appropriate for all boards, commissions and regulatory functions within the office, subject to any fee cap established by statute and applicable to that board, commission or regulatory function. The Director of the Office of Professional and Occupational Regulation shall set the criteria for all fees. The criteria must include, but are not limited to, the costs, statutory requirements, enforcement requirements and fees and expenses of each board, commission or regulatory function. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A; [2001, c. 323, §9 (AMD); 2011, c. 286, Pt. B, §5 (REV).]

E. To establish by rule, such processes and procedures necessary to administer the various boards, commissions and regulatory functions of the office, including, but not limited to, a uniform complaint procedure, a uniform procedure regarding protested checks, a uniform policy regarding the treatment of late renewals and a uniform procedure for substantiating continuing education requirements. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A; [1999, c. 687, Pt. C, §6 (NEW).]

F. To keep records of public meetings, proceedings and actions and to make those records available to the public at cost upon request, unless otherwise prohibited by state or federal law; [1999, c. 687, Pt. C, §6 (NEW).]

G. To enter into contracts to ensure the provision of goods and services necessary to perform regulatory functions and to fulfill statutory responsibilities. This authority includes the ability to employ and engage experts, professionals or other personnel of other state or federal regulatory agencies as necessary to assist the office in carrying out its regulatory functions and to contract office staff to other state and federal regulatory agencies to assist those agencies in carrying out their regulatory functions; [1999, c. 687, Pt. C, §6 (NEW).]

H. To perform licensing functions for other state agencies on a fee-for-service basis; [1999, c. 687, Pt. C, §6 (NEW).]

I. To enter into cooperative agreements with other state, federal or foreign regulatory agencies to facilitate the regulatory functions of the office, including, but not limited to, information sharing, coordination of examinations or inspections and joint examinations or inspections. Any information furnished pursuant to this

paragraph by or to the office that has been designated confidential by the agency furnishing the information remains confidential and the property of the agency furnishing the information and may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency that furnished the information; [1999, c. 687, Pt. C, §6 (NEW).]

J. To direct staff to review and approve applications for licensure or renewal in accordance with criteria established in statute or in rules adopted by a board or commission. Licensing decisions made by staff may be appealed to the full board or commission; [1999, c. 687, Pt. C, §6 (NEW).]

K. To prepare and submit to the commissioner an annual report of the office's operations, activities and goals; and [1999, c. 687, Pt. C, §6 (NEW).]

L. To study jurisdictional overlap between the department's boards and commissions and other state agencies for purposes of streamlining and consolidating related legal authorities and administrative processes. [1999, c. 687, Pt. C, §6 (NEW).]

[2001, c. 323, §9 (AMD); 2011, c. 286, Pt. B, §5 (REV) .]

3. License defined. For purposes of this section, the term "license" means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

[1991, c. 509, §1 (AMD) .]

4. Licensing periods; renewal dates. The commissioner may establish expiration or renewal dates and establish whether licenses are issued annually or biennially for all licenses authorized to be issued by bureaus, offices, boards and commissions within the department, notwithstanding any other provisions of law. If an expiration or renewal date established by the commissioner has the effect of shortening the term of a license currently in effect, the bureau, office, board or commission, or the department in the case of a license that it issues directly, shall credit the fee paid, on a prorated basis, for the unexpired term of the current license toward the renewal fee of the renewal license. If a license is not renewed on the new expiration or renewal date established by the commissioner, the license remains in effect through its original term, unless suspended or revoked sooner under laws or regulations of the respective bureau, office, board or commission. Should a licensee seek to renew the license at the end of the original term, the law or regulations established by the respective bureau, office, board or commission for late renewals or reregistrations apply. For the purpose of implementing and administering biennial licensing, the commissioner may permit bureaus, offices, boards and commissions within the department to issue licenses and establish renewal fees for less than a 2-year term. This section may not change the term or fee for one-time licenses, except as specifically stated.

[1999, c. 386, Pt. B, §3 (AMD) .]

4-A. Disclosure and recording of social security numbers. An individual who applies for a license shall provide that individual's social security number on the application, which must be recorded.

[1997, c. 537, §3 (NEW); 1997, c. 537, §62 (AFF) .]

5. Authority of bureaus, offices, boards or commissions. In addition to authority otherwise conferred, unless expressly precluded by language of denial in its own governing law, each bureau, office, licensing board and commission within or affiliated with the department may take one or more of the following actions, except that this subsection does not apply to the Bureau of Financial Institutions or the Office of Professional and Occupational Regulation, including the licensing boards and commissions and regulatory functions within the Office of Professional and Occupational Regulation.

A. [1989, c. 450, §6 (RP).]

A-1. For each violation of applicable laws, rules or conditions of licensure or registration, the bureau, office, board or commission may take one or more of the following actions:

(1) Issue warnings, censures or reprimands to a licensee or registrant. Each warning, censure and reprimand issued must be based upon violations of different applicable laws, rules or conditions of licensure or must be based upon separate instances of actionable conduct or activity;

(2) Suspend a license or registration for up to 90 days for each violation of applicable laws, rules and conditions of licensure or registration or for instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's or registrant's record;

(2-A) Revoke a license or registration;

(3) Impose civil penalties of up to \$1,500 for each violation of applicable laws, rules and conditions of licensure or registration or for instances of actionable conduct or activity; and

(4) Impose conditions of probation upon an applicant, licensee or registrant. Probation may run for such time period as the bureau, office, board or commission determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant, licensee or registrant; and other conditions as the bureau, office, board or commission determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant, licensee or registrant. Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee or registrant. [2001, c. 167, §1 (AMD).]

B. The bureau, office, board or commission may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent

agreements may be entered into only with the consent of: the applicant, licensee or registrant; the bureau, office, board or commission; and the Department of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a professional or occupational license or registration. A consent agreement is not subject to review or appeal, and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court. [2001, c. 167, §1 (AMD).]

C. The bureau, office, board or commission may:

- (1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms;
- (2) Except as provided in Title 37-B, section 390-A, require applicants for license or registration renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with each bureau's, office's, board's or commission's rules. Failure to comply with the continuing education rules may, in the bureau's, office's, board's or commission's discretion, result in a decision to deny license or registration renewal or may result in a decision to enter into a consent agreement and probation setting forth terms and conditions to correct the licensee's or registrant's failure to complete continuing education. Terms and conditions of a consent agreement may include requiring completion of increased hours of continuing education, civil penalties, suspension and other terms as the bureau, office, board, commission, the licensee or registrant and the Department of the Attorney General determine appropriate. Notwithstanding any contrary provision set forth in a bureau's, office's, board's or commission's governing law, continuing education requirements may coincide with the license or registration renewal period;
- (3) Refuse to renew a license or registration or deny a license when the bureau, office, board or commission finds a licensee or registrant to be in noncompliance with a bureau, office, board or commission order or consent agreement;
- (4) Allow licensees or registrants to hold inactive status licenses or registrations in accordance with each bureau's, office's, board's or commission's rules. The fee for an inactive license or registration may not exceed the statutory fee cap established for the bureau's, office's, board's or commission's license or registration renewal set forth in its governing law; or
- (5) Delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule. Rules developed pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. [2005, c. 111, §1 (AMD).]

D. The bureau, office, board or commission may require surrender of licenses and registrations. In order for a licensee's or registrant's surrender of a license or registration to be effective, a surrender must first be accepted by vote of the bureau, office, board or commission. Bureaus, offices, boards and commissions may refuse to accept surrender of licenses and registrations if the licensee or registrant is under

investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this chapter. [1995, c. 502, Pt. H, §10 (AMD).]

E. The bureau, office, board or commission may issue letters of guidance or concern to a licensee or registrant. Letters of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The bureau, office, board or commission may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the bureau, office, board or commission in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are only confidential to the extent that confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act. [1999, c. 386, Pt. B, §5 (AMD).]

F. A bureau, office, board or commission may establish, by rule, procedures for licensees in another state to be licensed in this State by written agreement with another state, by entering into written licensing compacts with other states or by any other method of license recognition considered appropriate that ensures the health, safety and welfare of the public. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. C, §2 (AMD).]

G. Notwithstanding any other provision of law, any bureau, office, board or commission within or affiliated with the department may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees, to any applicant upon a showing of current, valid licensure in that profession in another state. [2005, c. 474, §1 (NEW).]

The jurisdiction to suspend and revoke occupational and professional licenses conferred by this subsection is concurrent with that of the District Court. Civil penalties must be paid to the Treasurer of State.

Any nonconsensual disciplinary action taken under authority of this subsection may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4, and, except for revocation actions, is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

Any nonconsensual revocation of an occupational or professional license taken under authority of this subsection is subject to, upon appeal within the time frames provided in Title 5, section 11002, subsection 3, de novo judicial review exclusively in District Court. Rules adopted to govern judicial appeals from agency action apply to cases brought under this section.

5-A. Authority of Office of Professional and Occupational Regulation. In addition to authority otherwise conferred, unless expressly precluded by language of denial in its own governing law, the Office of Professional and Occupational Regulation, referred to in this subsection as "the office," including the licensing boards and commissions and regulatory functions within the office, have the following authority.

A. The office, board or commission may deny or refuse to renew a license, may suspend or revoke a license and may impose other discipline as authorized in this subsection for any of the following reasons:

- (1) The practice of fraud, deceit or misrepresentation in obtaining a license from a bureau, office, board or commission, or in connection with services rendered while engaged in the occupation or profession for which the person is licensed;
- (2) Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;
- (3) Conviction of a crime to the extent permitted by Title 5, chapter 341;
- (4) Any violation of the governing law of an office, board or commission;
- (5) Any violation of the rules of an office, board or commission;
- (6) Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held;
- (7) Continuing to act in a capacity requiring a license under the governing law of an office, board or commission after expiration, suspension or revocation of that license;
- (8) Aiding or abetting unlicensed practice by a person who is not licensed as required by the governing law of an office, board or commission;
- (9) Noncompliance with an order or consent agreement of an office, board or commission;
- (10) Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation; or
- (11) Any violation of a requirement imposed pursuant to section 8003-G. [2009, c. 112, Pt. B, §4 (AMD).]

B. The office, board or commission may impose the following forms of discipline upon a licensee or applicant for licensure:

- (1) Denial or refusal to renew a license, or issuance of a license in conjunction with the imposition of other discipline;
- (2) Issuance of warning, censure or reprimand. Each warning, censure or reprimand issued must be based upon violation of a single applicable law, rules or condition of licensure or must be based upon a single instance of actionable

conduct or activity;

(3) Suspension of a license for up to 90 days for each violation of applicable laws, rules or conditions of licensure or for each instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's record;

(4) Revocation of a license;

(5) Imposition of civil penalties of up to \$1,500, or such greater amount as may be authorized by statute, for each violation of applicable laws, rules or conditions of licensure or for each instance of actionable conduct or activity; or

(6) Imposition of conditions of probation upon an applicant or licensee. Probation may run for such time period as the office, board or commission determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant or licensee; practice restrictions; and other conditions as the office, board or commission determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or licensee. Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee. [2009, c. 112, Pt. B, §4 (AMD).]

C. The office, board or commission may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the applicant or licensee; the office, board or commission; and the Department of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a professional or occupational license. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court. [2007, c. 402, Pt. C, §3 (NEW).]

D. The office, board or commission may:

(3) Except as provided in Title 37-B, section 390-A, adopt rules requiring continuing professional or occupational education and require applicants for license renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with such rules. Failure to comply with the continuing education rules is punishable by nonrenewal of the license and other discipline authorized by this subsection. Notwithstanding any contrary provision set forth in the governing law of an office, board or commission, continuing education requirements may coincide with the license renewal period. Rules adopted pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A;

(4) Issue continuing education deferments in cases of undue hardship;

(5) Grant inactive status licenses to licensees in accordance with rules that may be adopted by each office, board or commission. The fee for an inactive status license may not exceed the statutory fee cap for license renewal set forth in the governing law of the office, board or commission. Licensees in inactive status are required to pay license renewal fees for renewal of an inactive status license and may be required to pay a reinstatement fee as set by the Director of the Office of Professional and Occupational Regulation if the license is reactivated on a date other than the ordinary renewal date of the license. Any rules of an office, board or commission regulating inactive status licensure must describe the obligations of an inactive status licensee with respect to any ongoing continuing education requirement in effect for licensees of the office, board or commission and must set forth any requirements for reinstatement to active status, which requirements may include continuing education. Rules adopted pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A; and

(6) Delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule. Rules adopted pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. [2011, c. 286, Pt. B, §2 (AMD).]

E. The office, board or commission may require surrender of licenses. In order for a licensee's surrender of a license to be effective, a surrender must first be accepted by vote of the office, board or commission. The office, board or commission may refuse to accept surrender of a license if the licensee is under investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this subsection. The consent agreement may include terms and conditions for reinstatement. [2007, c. 402, Pt. C, §3 (NEW).]

F. The office, board or commission may issue a letter of guidance or concern to a licensee. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the licensee that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The office, board or commission may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's file for a specified period of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the office, board or commission in any subsequent action commenced against the licensee within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent that confidentiality is required pursuant to Title 24, chapter 21. [2007, c. 402, Pt. C, §3 (NEW).]

G. The office, board or commission may establish, by rule, procedures for licensees in another state to be licensed in this State by written agreement with another state, by entering into written licensing compacts with other states or by any other method

of license recognition considered appropriate that ensures the health, safety and welfare of the public. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. C, §3 (NEW).]

The jurisdiction to impose discipline against occupational and professional licenses conferred by this subsection is concurrent with that of the District Court. Civil penalties must be paid to the Treasurer of State.

Any nonconsensual disciplinary action taken under authority of this subsection other than denial or nonrenewal of a license may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

The office, board or commission shall hold a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 at the written request of any person who is denied an initial or renewal license without a hearing for any reason other than failure to pay a fee, provided that the request for hearing is received by the office, board or commission within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the applicant's right to request a hearing.

The office, board or commission may subpoena witnesses, records and documents in any adjudicatory hearing it conducts.

Rules adopted to govern judicial appeals from agency action apply to cases brought under this subsection.

In the event of appeal to Superior Court from any form of discipline imposed pursuant to this subsection, including denial or nonrenewal of a license, the office, board or commission may assess the licensed person or entity for the costs of transcribing and reproducing the administrative record.

[2011, c. 286, Pt. B, §2 (AMD) .]

6. Funding. The commissioner may assess each internal bureau, office, board or commission served by the commissioner's office, the Division of Administrative Services or the Office of Professional and Occupational Regulation its reasonable share of an amount sufficient to cover the cost of operating those service agencies. The commissioner may assess any board affiliated with the department for the services the board receives from the department. The commissioner may assess other state agencies for licensing functions performed on behalf of those agencies by the Office of Professional and Occupational Regulation.

[1999, c. 687, Pt. C, §8 (AMD); 2011, c. 286, Pt. B, §5 (REV) .]

7. Evidentiary effect of certificate. Notwithstanding any provision of law or rule of evidence, the certificate of the commissioner under the seal of the State must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license issued by the department.

[1991, c. 509, §3 (NEW) .]

8. Display of license.

[2009, c. 112, Pt. A, §2 (RP) .]

9. Construction.

[1999, c. 687, Pt. C, §9 (RP) .]

10. National disciplinary record system. Within the limits of available revenues, all bureaus, offices, boards or commissions internal or affiliated with the department shall join or subscribe to a national disciplinary record system used to track interstate movement of regulated professionals who have been the subject of discipline by state boards, commissions or agencies and report disciplinary actions taken within this State to that system.

[1995, c. 502, Pt. H, §10 (AMD) .]

SECTION HISTORY

1975, c. 556, §1 (NEW). 1975, c. 705, §3 (AMD). 1975, c. 767, §9 (RPR). 1977, c. 113, (AMD). 1977, c. 273, §§1,2 (AMD). 1983, c. 553, §13 (RPR). 1985, c. 748, §18 (AMD). 1985, c. 785, §B55 (AMD). 1987, c. 595, §2 (AMD). 1987, c. 609, §§1,2 (AMD). 1989, c. 450, §6 (AMD). 1991, c. 509, §§1-3 (AMD). 1993, c. 600, §A11 (AMD). 1993, c. 659, §§B2,3 (AMD). 1995, c. 397, §12 (AMD). 1995, c. 502, §H10 (AMD). 1997, c. 210, §§1-3 (AMD). 1997, c. 537, §3 (AMD). 1997, c. 537, §62 (AFF). 1997, c. 680, §A1 (AMD). 1999, c. 184, §§15-17 (AMD). 1999, c. 386, §§B2-5 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 687, §§C5-9 (AMD). 2001, c. 44, §10 (AMD). 2001, c. 44, §14 (AFF). 2001, c. 167, §1 (AMD). 2001, c. 323, §9 (AMD). 2003, c. 204, §B1 (AMD). 2005, c. 111, §1 (AMD). 2005, c. 474, §1 (AMD). 2007, c. 402, Pt. C, §§2, 3 (AMD). 2007, c. 621, §§2, 3 (AMD). 2009, c. 112, Pt. A, §2 (AMD). 2009, c. 112, Pt. B, §4 (AMD). 2011, c. 286, Pt. B, §2 (AMD). 2011, c. 286, Pt. B, §5 (REV).

10 §8003-A. COMPLAINT INVESTIGATION

1. Affiliated boards. In aid of their investigative authority, the licensing boards and commissions affiliated with the department pursuant to section 8001-A may issue subpoenas in the name of the relevant licensing board or commission, in accordance with the terms of Title 5, section 9060, except that the authority applies to any stage of an investigation and is not limited to an adjudicatory proceeding.

[2007, c. 402, Pt. C, §4 (NEW) .]

2. Office of Professional and Occupational Regulation. The Office of Professional and Occupational Regulation, including the licensing boards and commissions and regulatory functions within the office, may receive, initiate and investigate complaints alleging any ground for disciplinary action set forth in section 8003, subsection 5-A. To assist with complaint or other investigations, or as otherwise considered necessary for the fulfillment of their responsibilities, the office, boards and commissions may hold hearings and may issue subpoenas for witnesses, records and documents in the name of the office, board or commission, as the case may be, in accordance with the terms of Title 5, section 9060, except that the subpoena authority applies to any stage or type of an investigation and is not limited to an adjudicatory hearing held pursuant to section 8003, subsection 5-A.

Investigative personnel of the Office of Professional and Occupational Regulation, during the normal conduct of their work for boards, commissions and regulatory

functions within the office, may conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority. When specific authority does not exist to appeal an order to correct, that process must be established by rule by the respective board.

[2007, c. 402, Pt. C, §4 (NEW); 2011, c. 286, Pt. B, §5 (REV) .]

3. Dispositions available to the public. Upon disposition of each complaint and investigation, the office and all boards and commissions shall make such disposition available to the public.

[2007, c. 402, Pt. C, §4 (NEW) .]

SECTION HISTORY

1985, c. 748, §19 (NEW). 1991, c. 509, §4 (AMD). 1995, c. 502, §H11 (AMD). 2007, c. 402, Pt. C, §4 (RPR). 2011, c. 286, Pt. B, §5 (REV).

10 §8003-B. CONFIDENTIALITY OF INVESTIGATIVE RECORDS

1. During investigation. Unless otherwise provided by Title 24, chapter 21, all complaints and investigative records of the licensing boards , commissions and regulatory functions within or affiliated with the Department of Professional and Financial Regulation are confidential during the pendency of an investigation. Those records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this section, an investigation is concluded when:

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has been issued; [2009, c. 465, §1 (AMD).]
- B. [1999, c. 687, Pt. C, §10 (RP).]
- C. A consent agreement has been executed; or [1989, c. 173, (NEW).]
- D. A letter of dismissal has been issued or the investigation has otherwise been closed. [1989, c. 173, (NEW).]

[2009, c. 465, §1 (AMD) .]

2. Exceptions. Notwithstanding subsection 1, during the pendency of an investigation, a complaint or investigative record may be disclosed:

- A. To department employees designated by the commissioner; [1989, c. 173, (NEW).]
- B. To designated complaint officers of the appropriate board or commission; [1989, c. 173, (NEW).]
- C. By a department employee or complaint officer designated by the commissioner when, and to the extent, deemed necessary to facilitate the investigation; [1989, c. 173, (NEW).]
- D. To other state or federal agencies when the files contain evidence of possible violations of laws enforced by those agencies; [1989, c. 173, (NEW).]
- E. When, and to the extent, deemed necessary by the commissioner to avoid

imminent and serious harm. The authority of the commissioner to make such a disclosure shall not be delegated; [1989, c. 173, (NEW).]

F. Pursuant to rules which shall be promulgated by the department, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; and [1989, c. 173, (NEW).]

G. To the person investigated on request. The commissioner may refuse to disclose part or all of any investigative information, including the fact of an investigation, when the commissioner determines that disclosure would prejudice the investigation. The authority of the commissioner to make such a determination shall not be delegated. [1989, c. 173, (NEW).]

[1989, c. 173, (NEW) .]

2-A. Certain client records confidential. Notwithstanding subsections 1 and 2, a treatment record provided to a licensing board or commission or in connection with a regulatory function within or affiliated with the department during investigation of a person licensed by the department in a medical, mental health, substance abuse, psychological or health field that contains information personally identifying a licensee's client or patient is confidential during the pendency of the investigation and remains confidential upon the conclusion of the investigation. A treatment record may be disclosed only if:

A. The client or patient executes a written release that states that:

(1) Unless the release provides for more limited disclosure, execution of the release may result in the record becoming a public record; or

(2) If the client or patient wishes, execution of the release allows disclosure to only the person or persons clearly identified in the release. The release must require the person or persons identified in the release not to make a disclosure to another person; [1993, c. 552, §1 (NEW).]

B. The disclosure is necessary under Title 22, chapter 857 concerning personnel and licensure actions; [1993, c. 552, §1 (NEW).]

C. The disclosure is necessary under Title 22, section 3474 concerning reports of suspected adult abuse or exploitation; [1993, c. 552, §1 (NEW).]

D. The disclosure is necessary under Title 22, section 4011-A concerning reports of suspected child abuse or neglect; or [2001, c. 345, §1 (AMD).]

E. The disclosure is necessary under Title 22, section 7703 concerning reports of suspected child or adult abuse or neglect. [1993, c. 552, §1 (NEW).]

A release executed by a client or patient does not operate to disclose a record otherwise made confidential by law.

This subsection does not prevent disclosure of records pursuant to an order of a court of competent jurisdiction upon good cause shown.

[2009, c. 465, §2 (AMD) .]

3. Attorney General records. The provision or disclosure of investigative records of the Department of the Attorney General to a departmental employee designated by the commissioner or to a complaint officer of a board or commission does not constitute a waiver of the confidentiality of those records for any other purposes. Further disclosure of those investigative records is subject to Title 16, section 614 and the discretion of the Attorney General.

[1993, c. 719, §12 (AFF); 1993, c. 719, §4 (AMD) .]

4. Violation. A person who knowingly or intentionally makes a disclosure in violation of this section or who knowingly violates a condition of a release pursuant to subsection 2-A commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

[1993, c. 552, §2 (AMD) .]

SECTION HISTORY

1989, c. 173, (NEW). 1993, c. 552, §§1,2 (AMD). 1993, c. 719, §12 (AFF). 1993, c. 719, §4 (AMD). 1999, c. 386, §B6 (AMD). 1999, c. 687, §§C10,11 (AMD). 2001, c. 345, §1 (AMD). 2009, c. 465, §§1, 2 (AMD).

10 §8003-C. UNLICENSED PRACTICE

1. Complaints of unlicensed practice. A board or commission identified in section 8001, subsection 38 or section 8001-A or a regulatory function administered by the Office of Professional and Occupational Regulation identified in section 8001, subsection 38 may receive or initiate complaints of unlicensed practice.

[2009, c. 465, §3 (AMD); 2011, c. 286, Pt. B, §5 (REV) .]

2. Investigation of unlicensed practice. Complaints or allegations of unlicensed practice may be investigated by the Office of Professional and Occupational Regulation, the Attorney General's office or a board's or commission's complaint officer or inspector. If sufficient evidence of unlicensed practice is uncovered, the evidence must be compiled and presented to the Department of the Attorney General or the local district attorney's office for prosecution.

[1999, c. 687, Pt. C, §12 (NEW); 2011, c. 286, Pt. B, §5 (REV) .]

3. Unlicensed practice; criminal penalties. Notwithstanding any other provision of law:

A. A person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A has expired or been suspended or revoked commits a Class E

crime; and [2009, c. 465, §4 (AMD).]

B. A person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A has expired or been suspended or revoked when the person has a prior conviction under this subsection commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that, for purposes of this paragraph, the date of the prior conviction must precede the commission of the offense being enhanced by no more than 3 years. [2009, c. 465, §4 (AMD).]

[2009, c. 465, §4 (AMD) .]

4. Unlicensed practice; civil penalties. Any person who practices or represents to the public that the person is authorized to practice a profession or trade or engage in an activity that requires a license without first obtaining a license as required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A or after the license has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than \$1,000 but not more than \$5,000 for each violation. An action under this subsection may be brought in District Court or, in combination with an action under subsection 5, in Superior Court.

[2011, c. 286, Pt. B, §3 (AMD) .]

5. Unlicensed practice; injunctions. The Attorney General may bring an action in Superior Court to enjoin any person from violating subsection 4, whether or not proceedings have been or may be instituted in District Court or whether criminal proceedings have been or may be instituted, and to restore to any person who has suffered any ascertainable loss by reason of that violation any money or personal or real property that may have been acquired by means of that violation and to compel the return of compensation received for engaging in that unlawful conduct.

A person who violates the terms of an injunction issued under this subsection shall pay to the State a fine of not more than \$10,000 for each violation. In any action under this subsection, when a permanent injunction has been issued, the court may order the person against whom the permanent injunction is issued to pay to the General Fund the costs of the investigation of that person by the Attorney General and the costs of suit, including attorney's fees. In any action by the Attorney General brought against a person for violating the terms of an injunction issued under this subsection, the court may make the necessary orders or judgments to restore to any person who has suffered any ascertainable loss of money or personal or real property or to compel the return of compensation received by reason of such conduct found to be in violation of an injunction.

[2007, c. 402, Pt. C, §5 (AMD) .]

6. Unlicensed practice; private cause of action; repeal.

[2005, c. 378, §1 (NEW); 2005, c. 378, §29 (AFF); T. 10, §8003-C, sub-§6 (RP) .]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2003, c. 452, §E10 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 378, §1 (AMD). 2005, c. 378, §29 (AFF). 2007, c. 402, Pt. C, §5 (AMD). 2009, c. 44, §1 (AMD). 2009, c. 465, §§3-5 (AMD). 2011, c. 286, Pt. B, §3 (AMD). 2011, c. 286, Pt. B, §5 (REV). MRSA T. 10, §8003-C, sub-§6 (AMD).

10 §8003-D. INVESTIGATIONS; ENFORCEMENT DUTIES; ASSESSMENTS

When there is a finding of a violation, a board affiliated with the department identified in section 8001-A may assess the licensed person or entity for all or part of the actual expenses incurred by the board or its agents for investigations and enforcement duties performed. [2011, c. 286, Pt. B, §4 (AMD).]

"Actual expenses" include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record. [1999, c. 687, Pt. C, §12 (NEW).]

The board, as soon as feasible after finding a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board, which may not be less than 30 days. [2011, c. 286, Pt. B, §4 (AMD).]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2009, c. 465, §6 (AMD). 2011, c. 286, Pt. B, §4 (AMD).

10 §8003-E. CITATIONS AND FINES

Any board or commission identified in section 8001, subsection 38 or section 8001-A or a regulatory function administered by the Office of Professional and Occupational Regulation identified in section 8001, subsection 38 may adopt by rule a list of violations for which citations may be issued by professional technical support staff. A violation may carry a fine not to exceed \$200. Citations issued by employees of the Office of Professional and Occupational Regulation or an affiliated board must expressly inform the licensee that the licensee may pay the fine or request a hearing before the board or commission or the Office of Professional and Occupational Regulation with regard to a regulatory function identified in section 8001, subsection 38 administered by the office regarding the violation. [2009, c. 465, §7 (AMD); 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2009, c. 465, §7 (AMD). 2011, c. 286, Pt. B, §5 (REV).

10 §8003-F. DISPOSITION OF FEES

All money received by the Office of Professional and Occupational Regulation on behalf of a board or commission listed in section 8001, subsection 38 or by the Office of Professional and Occupational Regulation to perform the regulatory functions listed in section 8001, subsection 38 must be paid to the Treasurer of State and credited to the

account for that board, commission or regulatory function within the budget of the Office of Professional and Occupational Regulation. [1999, c. 687, Pt. C, §12 (NEW); 2011, c. 286, Pt. B, §5 (REV).]

Money received by the Office of Professional and Occupational Regulation on behalf of a board or commission listed in section 8001, subsection 38 or by the Office of Professional and Occupational Regulation to perform the regulatory functions listed in section 8001, subsection 38 must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony, procuring the attendance of witnesses, all legal proceedings initiated for enforcement and administering the office. [1999, c. 687, Pt. C, §12 (NEW); 2011, c. 286, Pt. B, §5 (REV).]

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. [1999, c. 687, Pt. C, §12 (NEW).]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2011, c. 286, Pt. B, §5 (REV).

10 §8003-G. DUTY TO REQUIRE CERTAIN INFORMATION FROM APPLICANTS AND LICENSEES

The Office of Professional and Occupational Regulation, referred to in this subsection as "the office," including the licensing boards and commissions and regulatory functions within the office, shall require: [2007, c. 621, §4 (NEW); 2011, c. 286, Pt. B, §5 (REV).]

1. Respond to inquiries. All applicants for license renewal to respond to all inquiries set forth on renewal forms; and

[2007, c. 621, §4 (NEW) .]

2. Report in writing. All licensees and applicants for licensure to report in writing to the office no later than 10 days after the change or event, as the case may be:

A. Change of name or address; [2007, c. 621, §4 (NEW).]

B. Criminal conviction; [2007, c. 621, §4 (NEW).]

C. Revocation, suspension or other disciplinary action taken in this or any other jurisdiction against any occupational or professional license held by the applicant or licensee; or [2007, c. 621, §4 (NEW).]

D. Any material change in the conditions or qualifications set forth in the original application for licensure submitted to the office. [2007, c. 621, §4 (NEW).]

[2007, c. 621, §4 (NEW) .]

SECTION HISTORY

2007, c. 621, §4 (NEW). 2011, c. 286, Pt. B, §5 (REV).

10 §8004. ANNUAL REPORTS

Notwithstanding any other provision of law, all annual reports or statements required

of bureaus and offices within the department must be submitted to the commissioner not later than August 1st of each year and must summarize the operations and financial position of the bureau or office for the preceding fiscal year ending June 30th. After reviewing such reports and statements, the commissioner shall compile them into a report for submission to the Governor, together with such analysis as the Governor may direct. [1999, c. 687, Pt. C, §13 (AMD).]

SECTION HISTORY

1975, c. 767, §9 (NEW). 1999, c. 687, §C13 (AMD).

10 §8004-A. LEGISLATIVE REPORTS

The Director of the Office of Professional and Occupational Regulation shall report annually to the joint standing committee of the Legislature having jurisdiction over professional licensing and registration on the status of licensing fees and fee caps. [2001, c. 323, §10 (NEW); 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

2001, c. 323, §10 (NEW). 2011, c. 286, Pt. B, §5 (REV).

10 §8005. COMPLIANCE WITH SUPPORT ORDERS; LICENSE QUALIFICATIONS AND CONDITIONS

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of bureaus, boards or commissions that compose or are affiliated with the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19-A, section 2201. [1995, c. 694, Pt. D, §7 (AMD); 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

1993, c. 410, §V1 (NEW). 1995, c. 694, §D7 (AMD). 1995, c. 694, §E2 (AFF).

10 §8005-A. LICENSEES NOT IN COMPLIANCE WITH COURT-ORDERED FINE, FEE OR RESTITUTION; LICENSE QUALIFICATIONS AND CONDITIONS

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as required by bureaus, boards and commissions within or affiliated with the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees may not hold any such license when there has been a court-ordered suspension of that license as provided by Title 14, sections 3141 and 3142. [2003, c. 193, §1 (NEW).]

SECTION HISTORY

2003, c. 193, §1 (NEW).

10 §8006. LICENSEES NOT IN COMPLIANCE WITH COURT ORDER OF SUPPORT AND OTHER COURT ORDERS; ENFORCEMENT OF PARENTAL SUPPORT OBLIGATIONS AND SUSPENSIONS

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means any bureau, board or commission listed in section 8001 or 8001-A, other licensors that are affiliated with or are a part of the department and the Board of Overseers of the Bar. [1993, c. 410, Pt. V, §1 (NEW).]

B. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Health and Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months. [2003, c. 396, §1 (RPR); 2003, c. 689, Pt. B, §6 (REV).]

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [2003, c. 396, §1 (RPR).]

D. "Court-ordered suspension" means a suspension by a court of the right of a licensee to hold a professional license based on the contempt procedures pursuant to Title 14, sections 3141 and 3142. [2003, c. 193, §2 (NEW).]

[2003, c. 193, §2 (AMD); 2003, c. 396, §1 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who is not in compliance with a support order is subject to the requirements of Title 19-A, section 2201.

[2003, c. 396, §2 (AMD) .]

3. Court-ordered suspension. An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who has not paid a court-ordered fine, court-appointed attorney's fees or court-ordered restitution is subject to court suspension of all licenses as provided in Title 14, sections 3141 and 3142.

[2003, c. 193, §2 (NEW) .]

SECTION HISTORY

1993, c. 410, §V1 (NEW). 1995, c. 694, §D8 (AMD). 1995, c. 694, §E2 (AFF). 2003, c. 193, §2 (AMD). 2003, c. 396, §§1,2 (AMD). 2003, c. 689, §B6 (REV).

10 §8007. BOARD MEMBER CANDIDATE INFORMATION

The Commissioner of Professional and Financial Regulation or the chief staff

administrator for an occupational and professional regulatory board shall work with the Executive Department to prepare general information regarding the purpose of an occupational and professional regulatory board and the role, responsibility and perspective of a member of an occupational and professional regulatory board, including a public member. The material must also include information specific to the board for which the individual is a prospective member, including but not limited to the time commitment, remuneration and any other pertinent details. [1993, c. 600, Pt. A, §12 (NEW).]

This information must be provided to all new candidates for membership on an occupational and professional regulatory board and to members seeking reappointment in order to fully inform the candidate or member about the nature of the position. Prior to gubernatorial appointment or reappointment, the candidate or member shall sign a statement indicating that the candidate or member has read the material and is prepared to properly discharge the duties of a member of an occupational and professional regulatory board. Failure to sign this statement disqualifies the candidate or member for appointment or reappointment on a board. [1993, c. 600, Pt. A, §12 (NEW).]

SECTION HISTORY
1993, c. 600, §A12 (NEW).

10 §8008. PURPOSE OF OCCUPATIONAL AND PROFESSIONAL REGULATORY BOARDS

The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. Other goals or objectives may not supersede this purpose. [1993, c. 600, Pt. A, §12 (NEW).]

SECTION HISTORY
1993, c. 600, §A12 (NEW).

10 §8009. STANDARDIZED TERMS

Notwithstanding any other provision of law, upon expiration of a professional or occupational licensing board member's term, that member serves until a successor is appointed. The successor's term commences at the expiration of the preceding term, regardless of the date of appointment. A vacancy occurring prior to the expiration of a specified term must be filled by appointment of a similarly qualified individual as a replacement. The replacement member serves for the remainder of the unexpired term, regardless of the date of appointment. [2007, c. 402, Pt. C, §6 (NEW).]

SECTION HISTORY
2007, c. 402, Pt. C, §6 (NEW).

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RULES

Chapter 101: DEFINITIONS

Summary: This Chapter is promulgated to clarify wording of the law and these Rules.

As used in these Rules, the following terms have the following meanings:

1. **AFFIDAVIT.** A form provided by the Board to document an applicant's licensed practical experience.
2. **ASME.** American Society of Mechanical Engineers.
3. **BOARD.** Maine Fuel Board.
4. **CANDIDATE INFORMATION BULLETIN.** A document provided by the Board describing the examination process including content areas and study material.
5. **CLEANING OF OIL OR SOLID FUEL EQUIPMENT.** The process of: brushing and vacuuming a heating appliance heat exchanger, warm air furnace, boiler (steam or hot water) flue passages and connectors, lubricating motors, and bearings; replacing nozzles, belts, filters, and electrodes; performing combustion efficiency testing; and any other procedure for cleaning and annual maintenance as described in the manufacturer's instructions.
6. **COMBINATION UNIT.** A combination unit is a heating appliance that is listed for the use of more than one fuel in the same vessel.
7. **COMBUSTION EFFICIENCY TEST.** A test conducted to determine efficiency of combustion by measuring the composition and temperature of flue gases as they leave the appliance.
8. **ENT FLEXIBLE CONDUIT.** Electrical Non-Metallic Tubing.
9. **GPH.** Gallons per hour.
10. **INSTALLATION.** The installation, alteration or repair of oil and solid fuel burning equipment, chimneys and fireplaces, including accessory equipment.
11. **LABELED.** The certification of equipment or materials by a label, symbol, or other identifying mark by a nationally recognized testing agency of an organization

which conducts periodic inspection of equipment and materials to indicate compliance with appropriate standards of performance.

12. **LICENSE AUTHORITY.** The scope of permission granted to service and install various types of oil and solid fuel burning equipment to each license category, e.g., 1 and 2 oils over 15 gph, 1 and 2 oils over 15 gph/solid fuel, 1 and 2 oils up to 15 gph, 1 and 2 oils up to 15 gph/solid fuel, 1-6 oils, 1-6 oils/solid fuel, 4-6 oils, 4-6 oils/solid fuel.
13. **LISTED.** The determination that a piece of equipment or material meets appropriate standards for specific purposes established by a nationally recognized testing agency.
14. **PRACTICAL EXPERIENCE.** Actual work performed on oil and solid fuel burning equipment while holding a valid license issued by the Board.
15. **RULES.** Rules adopted by the Board.
16. **SIGNING MASTER.** A licensed Master Oil Burner and/or Solid Fuel Technician who signs an Apprentice application or an application for examination acknowledging employment or supervisory responsibility for the work ethics, performance, and training required of the applicant.
17. **SUPERVISION.** The direction and overseeing of the work and performance of a licensed apprentice or journeyman as clarified below:
 1. **Direct Supervision:** Supervision which is provided to an apprentice by a licensed master or journeyman which requires that the master or journeyman be on site at all times.
 2. **Indirect Supervision:** Supervision which is provided to a journeyman by a licensed master which does not require the master to be on site at all times.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-436

Summary: This rule establishes guidelines relating to advisory rulings.

1. ADVISORY RULINGS

1. Authority and Scope

The Board may issue an advisory ruling in accordance with 5 MRSA §9001 concerning the applicability of a statute or rule to existing facts. The Board shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The Board may, at its discretion, decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling or for any other reason the Board deems proper.

2. Submission

A request for an advisory ruling must be submitted to the Board in writing and must set forth in detail all facts pertinent to the question. The Board may require submission of additional information it deems necessary to provide a complete a factual background.

3. Ruling

The Board shall issue advisory rulings in writing. The advisory ruling must include a statement of facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, must be sufficiently detailed to apprise the reader of the basis of the opinion. The assent of four members of the Board is required for the issuance of an advisory ruling. The ruling must be signed by the Board's Chair, must be identified specifically as an advisory ruling and must be numbered serially.

4. **Publication**

The Department shall mail the advisory ruling to the requesting party and the Board Administrator shall retain a copy. An advisory ruling is a public document and is available for public inspection during the normal working hours of the Board. In addition, the Board may otherwise publish or circulate an advisory ruling as it deems appropriate.

STATUTORY AUTHORITY: 5 MRSA §§ 8051, 9001(4)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-437

Summary: This Chapter describes the duties and responsibilities for licensure as an Apprentice, Journeyman and Master Oil Burner and/or Solid Fuel Technician or as a Limited Tank Installer.

1. APPRENTICE OIL BURNER AND/OR SOLID FUEL TECHNICIAN

1. An apprentice oil burner technician must be under the direct supervision of a journeyman or master oil burner technician at all times while altering, repairing, or installing oil burning equipment. However, an apprentice oil burner technician may clean oil burning equipment without direct supervision if the licensee has either: (1) successfully completed at least 160 hours of training approved by the Board; or (2) completed at least one (1) year of supervised oil burner experience. The apprentice oil burner technician may also bleed an oil burner without direct supervision. If the oil burner fails to operate properly after bleeding, the apprentice shall refer the problem to a journeyman or master licensee. Failure to conform to this requirement may subject the apprentice and the signing master to disciplinary action for servicing oil burning equipment without proper supervision.
2. Capabilities are limited to the following license authorities:
 - A. 1 & 2 oils up to 15 GPH.
 - B. 1 & 2 oils over 15 GPH.
 - C. 4, 5, & 6 Oils.
 - D. 1-6 Oils.
 - E. Solid Fuel.
3. A solid fuel apprentice technician must be under the direct supervision of a master solid fuel technician at all times while cleaning, altering, repairing, and installing central solid fuel appliances and accessory equipment.

4. In order for an apprentice oil burner and/or solid fuel technician to progress through the various licensing categories and authorities, documented proof of licensed practical experience must be provided to the Board. It is the responsibility of the licensee to obtain an affidavit from all masters as to the dates (day, month, year) of accumulated licensed practical experience to establish his or her eligibility when applying for a higher category or authority of license.
5. An apprentice licensee is not permitted to work on any oil and/or solid fuel burning equipment if for any reason he is no longer employed or supervised by an appropriately licensed master.
6. A master and/or journeyman oil burner technician can clean a combination unit and service and repair the oil burner assembly if he or she is licensed as an apprentice solid fuel technician.

2. JOURNEYMAN OIL BURNER TECHNICIAN

1. In order for a journeyman oil burner technician to progress through the various licensing categories and authorities, documented proof of licensed practical experience must be provided to the Board. It is the responsibility of the licensee to obtain an affidavit from all licensed master oil burner technicians who provided supervision as to the dates (day, month, year) of accumulated licensed practical experience to establish his or her eligibility when applying for a master license.
2. Capabilities are limited to the following license authorities:
 - A. 1 & 2 oils up to 15 gph.
 - B. 1 & 2 oils over 15 gph.
 - C. 4, 5, & 6 Oils.
 - D. 1-6 Oils.
3. A journeyman oil burner technician must at all times be under the indirect supervision of, or the employ of, a licensed master oil burner technician who accepts full responsibility for the work ethics and performance of the journeyman.
4. A journeyman oil burner technician is not permitted to work on any oil burning equipment if for any reason he is no longer employed or supervised by a master.

5. A journeyman oil burner technician cannot supervise an apprentice oil burner technician whose licensing authority exceeds that of the journeyman.

3. MASTER OIL BURNER AND/OR SOLID FUEL TECHNICIAN

1. Capabilities for a Master Oil and/or Solid Fuel Technician are limited to the following license authorities:
 - A. 1 & 2 oils up to 15 gph.
 - B. 1 & 2 oils over 15 gph.
 - C. 4, 5, & 6 Oils.
 - D. 1-6 Oils.
 - E. Solid Fuel.
2. RESPONSIBILITY OF THE SUPERVISING MASTER
 - A. By signing an application as supervising master, the master acknowledges employment or supervisory responsibility for the work ethics, performance, and training required of the applicant regardless of the licensing category. It is the duty of the master to personally inspect any installation work performed by any licensee for whom the master is responsible at the conclusion of the installation.
 - B. Whenever the supervising master ceases to provide supervision, the supervising master shall notify the Board and licensee in writing, a copy of which shall be kept in both the applicant's and the Supervising master's file.
 - C. Upon request, the supervising master must provide a signed affidavit documenting all practical experience performed by an apprentice or journeyman under the master's supervision.
 - D. A master cannot supervise an apprentice or journeyman whose licensing authority exceeds that of the master.

- E. Licensed masters who sell, contract, dispatch, or subcontract any work or installation to another master or other licensee are responsible for the completion of the installation and the work performed. The master contracting the work and the licensee performing the work both have equal responsibility to ensure that all work complies with the Rules adopted by the Board.

4. LIMITED TANK INSTALLER

A person licensed as a limited oil tank installer is limited to installing outside residential oil supply tanks connected to manufactured housing units as set forth in 10 MRSA §9002(7)(A).

5. LIMITED ENERGY AUDITOR TECHNICIAN

- 1. A limited energy auditor technician is limited to performing combustion safety and efficiency testing on oil-fired space heating or water heating equipment. Limited energy auditor technicians may not make any adjustments to oil-fired space heating or water heating equipment.
- 2. Prior to performing a combustion safety and efficiency test, a limited energy auditor technician shall obtain the manufacturer's installation and operating instructions for the specific equipment to be tested.
- 3. A limited energy auditor technician shall observe all provisions of the manufacturer's installation and operating instructions when performing a combustion and efficiency test, including but not limited to any restrictions or limitations relating to equipment access and pipe penetration.
- 4. Combustion efficiency test results must fall within the guidelines contained in the manufacturer's installation and operating instructions. The limited energy auditor technician shall provide a copy of the test results to the homeowner and shall notify the homeowner and occupant in writing if the test results do not meet the manufacturer's guidelines.

STATUTORY AUTHORITY: 32 MRSA. §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-438

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
658 MAINE FUEL BOARD

Chapter 104: QUALIFICATIONS FOR LICENSURE

Summary: This Chapter sets forth the qualifications for licensure as an apprentice, journeyman and master oil burner and/or solid fuel technician or as a limited tank installer and describes the application and examination process.

1. APPRENTICE OIL BURNER TECHNICIAN

1. Applications for licensure must be made on forms provided by the Board and must be accompanied by the fees established by the Director.
2. The apprentice license application must be signed by an appropriately licensed Master. By signing the application, the signing master acknowledges employment or supervisory responsibility for the work ethics, performance, and training required of the apprentice.
3. The signing master's authority must be equal to or higher than the requested authority of the apprentice license. For example, if the authority of the signing master is 1 & 2 oils up to 15 gallons, the apprentice oil licensee may not perform work beyond that authority. Any licensed master or journeyman may supervise an apprentice, provided the master or journeyman has equal to or higher authority than the apprentice.

2. APPRENTICE SOLID FUEL TECHNICIAN

1. Applications for licensure must be made on forms provided by the Board and must be accompanied by the fees established by the Director.
2. The apprentice license application must be signed by an appropriately licensed Master. By signing the application, the signing master acknowledges employment or supervisory responsibility for the work ethics, performance, and training required of the apprentice.
3. The signing master's authority must include solid fuel.

3. JOURNEYMAN OIL TECHNICIAN

1. Education and Experience. Table 3 sets forth the different combinations of education and experience which qualify a person to sit for the journeyman examination. Out-of-state applicants must have acquired substantially equivalent experience. Applicants qualifying for examination using Path 1 of Table 3 may apply and sit for examination upon successful completion of the requisite education prior to meeting the experience requirement.
2. In-State applicants shall provide documentation of licensed experience on affidavit forms provided by the Board. The affidavit forms must be completed and signed by an appropriately licensed master attesting to the supervision of the applicant's practical experience.
3. Out-of-State applicants shall provide documentation of employment as an oil and/or solid fuel technician. This documentation must include one year of actual work performed on oil burning equipment or solid fuel burning equipment.

TABLE 3

EDUCATION AND /OR EXPERIENCE REQUIRED TO SIT FOR JOURNEYMAN EXAMINATION

	Examination Type	Education	Prerequisite <i>Apprentice License</i>	Journeyman License Experience Requirements
Path 1	<p>Journeyman 1 & 2 Oils up to 15 gph</p> <p>Journeyman 1 & 2 Oils over 15 gph</p> <p>Journeyman 4, 5 and 6 Oils</p>	<p>Successful completion of an oil burner technician course at a Maine community_ college, applied technology center or applied technology region or a comparable institute in Maine or another state consisting of a minimum of 160 hours of study, at least 75 hours of which are made up of laboratory work on oil burning equipment and related systems.</p> <p>If the oil burner technician course contains classroom and laboratory work in 1 and 2 oils over 15 gph and/or 4, 5 and 6 oils, the student will be eligible to apply for the journeyman examination in those license authorities.</p>	Not required unless performing work beyond the classroom.	Six months as a licensed Apprentice.

Path 2	<p>Journeyman 1 & 2 Oils up to 15 gph</p> <p>Journeyman 1 & 2 Oils over 15 gph</p> <p>Journeyman 4, 5 and 6 Oils</p>	<p>Successful completion of one-year accredited heating course at a Maine technical college consisting of a minimum of 320 hours of study, at least 150 hours of which are made up of laboratory work on oil burning equipment and related systems.</p> <p>If the oil burner technician course contains classroom and laboratory work in 1 and 2 oils over 15 gph and/or 4, 5 and 6 oils, the student will be eligible to apply for the journeyman examination in those license authorities.</p>	Not required unless performing work beyond the classroom.	No licensed experience required.
Path 3	<p>Journeyman 1 & 2 Oils up to 15 gph</p> <p>Journeyman 1 & 2 Oils over 15 gph</p> <p>Journeyman 4, 5 and 6 Oils</p>	None	Required.	One year of licensed practical experience as an Apprentice doing service and installation work on oil burning equipment.

4. MASTER OIL BURNER TECHNICIAN

1. Qualifications to Sit for Examination. Table 4 sets forth the qualifications to sit for the master oil burner technician examination. Out-of-state applicants must have acquired substantially equivalent experience.
2. In-State applicants shall provide documentation of licensed experience on affidavit forms provided by the Board. The affidavits must be completed and signed by the appropriately licensed master attesting to supervision of the applicant's practical experience.
3. Out-of-State applicants shall provide documentation of employment as an oil burner technician. This documentation must include four years of actual work performed on oil burning equipment.

5. MASTER SOLID FUEL TECHNICIAN

1. Qualifications to Sit for Examination. Table 4 sets forth the qualifications to sit for the master solid fuel technician examination. Out-of-state applicants must have acquired substantially equivalent experience.
2. In-State applicants shall provide documentation of licensed experience on affidavit forms provided by the Board. The affidavits must be completed and signed by the appropriately licensed master attesting to supervision of the applicant's practical experience.
3. Out-of-State applicants shall provide documentation of employment as a solid fuel technician. This documentation must include two years of actual work performed on solid fuel burning equipment.

TABLE 4
QUALIFICATIONS TO SIT FOR MASTER EXAMINATION

Examination Type	Prerequisite Journeyman License	Master License Experience Requirements
Master Oil Burner Technician Master 1 & 2 Oils up to 15 gph Master 1 & 2 Oils over 15 gph Master 4, 5 and 6 Oils	Journeyman license required unless currently licensed as a Master with a different license authority. If currently licensed as Master, the Master may apply for a license as an apprentice in another license authority to gain licensed experience as an apprentice to qualify for an additional license authority. See Chapter 5 of these Rules.	Four years of licensed practical experience, a minimum of two years of which must be as a licensed journeyman, doing service and installation work on oil burning equipment.
Master Solid Fuel Technician Master Solid Fuel	Not Required.	Two years of licensed practical experience as an Apprentice with the Solid Fuel authority doing service and installation work on central solid fuel burning equipment. A licensed master oil technician can sit for the master solid fuel examination without acquiring any solid fuel practical experience.

6. LIMITED TANK INSTALLER

1. In order to qualify for a limited tank installer's license, an applicant must hold and maintain either a manufactured housing mechanic's license or a manufactured housing dealer's license issued pursuant to 10 MRSA Chapter 951 or be a manufactured housing dealer employee who has satisfactorily completed a training program that includes at least four (4) hours on installation of outside oil tanks, as approved by the Board.
2. Applications for a limited tank installer's license as set forth in 32 MRSA §18140 must be submitted on forms provided by the Board, together with evidence of satisfactory completion of a training program approved by the Board and must be accompanied by the fees established by the Director.
3. The training program approved by the Board is valid for one (1) year from successful completion. If an applicant fails to apply for a license within one (1) year from completion of a training program approved by the Board, the applicant must retake the training program.
4. Experience gained as a limited tank installer cannot be used to satisfy the prerequisite needed to obtain a master or journeyman oil technician's license.

7. LIMITED ENERGY AUDITOR TECHNICIAN

1. In order to qualify for a limited energy auditor technician license, an applicant shall provide evidence of satisfactory completion of the Certified Building Analyst 1 certification test and field examination offered by the Building Performance Institute, the equivalent Maine residential energy auditor certification program, or an equivalent training program acceptable to the Board.
2. Each applicant for a limited energy auditor technician license as set forth in 32 MRSA §18138 shall apply by completing and submitting forms provided by the Board, together with evidence of satisfactory completion of the Certified Building Analyst 1 certification test and field examination offered by the Building Performance Institute, the equivalent Maine residential energy auditor certification program, or an equivalent training program acceptable to the Board.

3. Experience gained as a limited energy auditor technician may not be used to satisfy the prerequisites for licensure as a master or journeyman oil burner technician.

8. CRITERIA FOR EXAMINATION AND LICENSURE FOR MULTIPLE AUTHORITIES

1. Criteria for examination and licensure for multiple authorities for journeyman oil burner technician and master oil burner and/or solid fuel technicians shall be as follows:
 - A. To be eligible for a 1 & 2 over 15 gph license, the applicant must have passed the examination for both the 1 & 2 oil up to 15 gph and the 1 & 2 oils over 15 gph. An applicant seeking both 1 & 2 (light) oils up to 15 gph and the 1 & 2 (light) oils over 15 gph license, may acquire the licensed experience concurrently.
 - B. To be eligible for a 1-6 oils license, the applicant must have passed the examination for both the 1 & 2 (light) oils up to 15 gph, and 4, 5, & 6 (heavy) oils. An applicant seeking both 1 & 2 (light) oils up to 15 gph and the 4, 5, & 6 (heavy) oils license, may acquire the licensed experience concurrently.
 - C. The signing master's authority must be equal to or higher than the requested authority of the applicant. For example, the authority of the signing master is 1 & 2 oils up to 15 gph the applicant may not apply beyond that authority.

9. APPLICATION FOR EXAMINATION

1. Applicants for examination(s) must submit all of the following:
 - A. Completed Application;
 - B. Application Fee (nonrefundable);
 - C. School Certificate(s) (if applicable); and
 - D. Affidavit(s)

2. Incomplete or illegible applications will be returned to the applicant together with any attachments.
3. Applicants must receive Board approval prior to sitting for an examination. Examination scores of applicants who take an examination prior to receiving Board approval will be null and void.

10. EXAMINATION(S)

1. The passing score for all examinations is 70%.
2. The Board will mail a license application to a candidate who successfully passes the examination.
 - A. An examination application will remain valid for a period of two (2) years from the date of receipt. If an applicant fails to pass the examination within two (2) years of Board approval, the applicant must reapply as a new applicant. If an applicant fails to apply for a license within two (2) years from the date of notification of a passing score on the examination, the applicant must reapply as a new applicant and retake the examination.

NOTE: Refer to the Candidate Informational Bulletin for more examination information.

11. RENEWAL OF LICENSE

1. Expiration. All licenses expire two (2) years from the date of issuance.
2. Eligibility for Renewal. To renew a license, an applicant must comply with 32 MRSA §18144. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

12. REINSTATEMENT OF LICENSE

1. More than 90 Days but not more than 2 Years. Individuals, other than formerly licensed apprentices who fail to renew a license for more than 90 days but not more than two (2) years from the date of expiration may reinstate the license without taking the examination by filing a new

application for renewal and by filing and paying the license fee and penalty as set forth in the Office of Licensing and Registration Rules Chapter 10, Establishment of License Fees, Section 5. An apprentice must reapply as a new applicant.

2. More than Two Years. An individual who fails to renew a license for more than two (2) years from the date of expiration must obtain a new license by satisfying all of the requirements of 32 MRSA Chapter 139 and these Rules.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-439

CHAPTER 105: USE OF OTHER LICENSE AUTHORITIES

Summary: This Chapter sets forth the requirements for licensed master and journeyman technicians to gain licensed experience as an apprentice to qualify for an additional license authority. Current license authorities are: 1&2 Oils Up to 15 gph, 1&2 Oils Over 15 gph, 4, 5 & 6 Oils and Solid Fuel.

1. In order for a licensed journeyman or master to be eligible to take an examination in another license authority, the applicant must:
 1. Submit the proper application, appropriate fees, and an affidavit attesting to the requisite supervision for the relevant license as follows:
 - A. A licensed journeyman applying for a journeyman examination for a different authority must provide documented proof of one (1) year of direct supervision.
 - B. A licensed journeyman applying for a solid fuel master examination must provide documented proof of two (2) years of direct supervision.
 - C. A licensed master applying for a master examination of a different authority must provide documented proof of one (1) year of indirect supervision.
 - D. A licensed master oil burner technician applying for a master solid fuel examination is automatically qualified.
 2. Whenever the supervising master ceases to provide supervision, the supervising master shall notify the Board and licensee in writing, a copy of which shall be kept in both the applicant's and the supervising master's file.
 3. An apprentice license issued to a licensed master or journeyman to gain experience towards an additional authority does not expire.

4. The apprentice license fee will be waived for licensed masters or journeymen gaining licensed experience to qualify for an additional license authority. The applicant will be required to pay an application fee.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sect. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-440

CHAPTER 107: ADOPTION OF STANDARDS AND RULES

Summary: This Chapter sets forth the standards for installation of any oil and solid fuel burning equipment, chimneys, fireplaces and vents.

1. The Board adopts and incorporates herein the following editions of technical standards or codes issued by the National Fire Protection Association and Rules promulgated by the Board. All installations of any oil and solid fuel burning equipment, the installation of chimneys, fireplaces and vents shall comply with applicable requirements of these standards and additional standards imposed by Title 32, Chapter 33 and these Rules.
 1. NFPA #30 A, Motor Fuel Dispensing Facilities and Repair Garages 2003 edition
 2. NFPA #31, Standard for the Installation of Oil Burning Equipment 2006 edition (See Section 2 below)
 3. NFPA #211, Chimneys, Fireplaces, Vents, and Solid Fuel Appliances 2006 edition (See 7-2 below)
 4. NFPA #70, National Electrical Code 2005 edition
 5. NFPA #88 A, Parking Structures 2002 edition
 6. NFPA #90 A, Installation of Air Conditioning and Ventilating Systems 2002 edition
 7. NFPA #90 B, Warm Air Heating and Air Conditioning Systems 2006 edition
2. **Exceptions**
 1. NFPA #31, Standard for the Installation of Oil Burning Equipment (2006 edition).
 - A. The Board does not adopt Chapter 7, Section 7.13.3, Fuel Oil Storage Systems that Are Permanently or Temporarily Taken Out of Service.

- B. The Board does not adopt Chapter 8, Section 8.7.10.1, Vent pipe sizing. (See Chapter 9.12.3.7).
- 2. NFPA #211, Chimneys, Fireplaces, Vents, and Solid Fuel Appliances (2006 edition) is adopted by the Board with the following exceptions:
 - A. The Board does not adopt Chapter 11, Fireplaces.
 - B. The Board does not adopt Chapter 12, Solid Fuel-Burning Appliances, Section 12.5.1.2, Room Heaters, Fireplace Stoves, Room Heater/Fireplace Stove Combinations, and Ranges.
 - C. The Board does not adopt the following Sections of Chapter 13:
 - (1) Section 13.2, Annual Inspection, the reference to the requirements of Section 14.3;
 - (2) Section 13.4.1 of Section 13.4, Appliance or Connector Replacement, the reference to Chapter 14; and
 - (3) Section 13.7.2 of Section 13.7, Evidence of Damage.
 - D. The Board does not adopt Chapter 14, Inspection of Existing Chimneys.
- 3. The above NFPA standards and Rules may be purchased from:
 - 1. NFPA Publications
National Fire Protection Association
1 Batterymarch Park
P.O. Box 9101
Quincy, MA 02269-9101
Telephone: 1-800-344-3555
- 4. The Board incorporates herein the following Appendices:
 - 1. Appendix A – Department of Environmental Protection Oil Regulations
 - 2. Appendix B – Department of Environmental Protection Asbestos Regulations
 - 3. Appendix C – Memorandum of Understanding between the Oil and Solid Fuel Board and the Plumbers' Examining Board regarding the installation of hot water or steam and warm air heating systems.

4. Appendix D – Memorandum of Understanding between the Oil and Solid Fuel Board and the Propane and Natural Gas Board for the installation of hot water or steam heating systems.
 5. Appendix E – Memorandum of Understanding between the Oil and Solid Fuel Board and the Electricians' Examining Board for the Installation, Service and Repair of Hot Water, Steam, Warm Air Heating Systems and Oil Fired Hot Water Heaters.
 6. Appendix F - State of Maine Emergency Chimney Update Waiver Form.
 7. Appendix G - Chimney or Fireplace Construction/ Installation Disclosure.
5. The above appendices are included in the back of these Rules or may be obtained from the Board.
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STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-441

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

658 MAINE FUEL BOARD

Chapter 108: MODIFICATION OF STANDARDS

Summary: This Chapter allows the Board to authorize modifications to installation under unusual circumstances. This Chapter provides the Board with the discretion to alter installation standards after appropriate technical consideration.

1. Where the circumstances or conditions of any particular installation are unusual as to render the strict application of a standard imposed by Board Rules and regulations impractical, the Board, or its designees (Compliance Officers located at the Department of Professional and Financial Regulation), may permit such modifications as will provide a substantially equivalent degree of safety and be consistent with good engineering practice.
 2. Application for permission to deviate from installation standards imposed by the Board Rules shall be made in writing and shall document why compliance with a prescribed standard is technically impractical and how the proposed modification would meet the equivalent degree of safety. The Board may request any additional information it deems necessary to assure that the modification provides a reasonable degree of safety.
 3. The Board may grant authority to deviate from a particular Rule(s). Such decision shall be in writing, and shall convey authority to adopt modifications only for the specific installation described in the application and no other.
-

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-443

CHAPTER 109: INSTALLATION OF OIL BURNING EQUIPMENT

Summary: This Chapter sets forth the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential, commercial, and industrial applications.

1. NATIONALLY ACCREDITED TESTING LABORATORY

All heating, chimney and/or fireplace equipment installed as well as any accessory equipment installed must be listed as approved by Underwriters' Laboratories or by a nationally accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at the time of installation.

2. WORKMANSHIP

All work shall be conducted, installed, and completed in a professional manner.

3. UNLAWFUL ACTS

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, repair, or install oil burning equipment regulated by these Rules and standards, or cause same to be done, in conflict with or in violation of any of the provisions of these Rules.

4. SERVICE AND REPAIR OF EQUIPMENT

Service and repair of any system or replacement of parts shall be permitted to be made in the same manner as it was in the existing system provided that such repair or replacement is not hazardous and that all material, equipment and devices shall be constructed and installed in accordance with their specific purpose and listing and comply with current Rules.

5. MAINTENANCE

1. All oil burning equipment and systems, both new and existing, and parts thereof shall be maintained in a safe condition.
2. When performing any service on a customer's heating system, the licensee must notify the homeowner of any code violations and make recommendations to address them.
3. When performing an annual tune-up on a heating system, a combustion efficiency test must be conducted and a copy of the test must be posted on-site.

6. INSTALLATIONS

1. Whenever a furnace, direct-fired hot water heater, or boiler is installed, the total installation must be brought into compliance with the requirements of NFPA # 31 and all other Rules adopted by the Board **BEFORE** the furnace, direct-fired hot water heater, or boiler is fired. Prior to leaving the installation (whether installed inside or outside any structure) unsupervised, the licensed oil burner and/or solid fuel technician shall observe, inspect, and test the equipment to ensure that the installation is operating safely and properly and meets all applicable Rules.
2. Whenever a new burner is installed, the wiring shall be brought into compliance with the requirements of these Rules before the unit is fired. The wiring update must include the following:
 - A. Properly rated fuse or breaker.
 - B. Properly rated wiring.
 - C. Properly installed and located emergency switch.
 - D. Properly installed and located thermal electric switch.
 - E. Properly installed and located service switch.
 - F. Properly installed and located low water cut-off.
3. When performing an installation, a combustion efficiency test shall be conducted and a copy of the test results shall be posted on-site.

4. When an emergency situation arises that does not allow adequate time to get the chimney lined and/or repaired before installing the new heating appliance, the licensee may defer the required repairs for up to 90 days. It is the licensee's responsibility to ensure that the installation meets all standards adopted by the Board and the manufacturer's instructions. The licensee must either install or have installed the required liner or make the proper repairs within the 90 day time period. An emergency situation may include, but is not limited to, situations of serious equipment failure, such as a cracked heat exchanger of a warm air furnace or a leaking boiler in cold weather. Emergency situations may also include failure of equipment that generates hot water and the unavailability of a chimney professional. (See Appendix F)
5. Heat Loss Requirement
 - A. New Installations. Heat loss system design and system load calculations for all new installations shall be performed prior to the installation. The licensee must retain a copy of the heat loss system design and system load calculations such that it may be produced for inspection upon request of the board compliance officers.
 - B. Replacement Systems. A heat loss and/or load calculation shall be conducted before replacement. The licensee must retain a copy of the heat loss system design or system load calculations, or the stamped plans of an engineered system, such that they may be produced for inspection upon request of the board compliance officers.

7. LOW WATER CONTROL FOR OIL FIRED BOILERS

1. All oil-fired boilers shall be provided with a properly installed and operating low-water control.
2. The low-water control may be installed in, or attached to, the boiler at the level recommended by the boiler manufacturer, but in no case shall the low-water control be installed below the crown sheet. The low-water control, when not installed directly in the boiler, may be installed either in the main supply line (Vertical riser) as close to the boiler as possible, or in a water column of continuous piping attached directly to the boiler.
3. The low-water cut off shall be designed and approved for the medium used (steam or water).
4. No valves or other obstructive devices shall be installed between the boiler and safety controls or devices.

8. PIPING, PUMPS AND VALVES

1. Supply Connections/Oil Shut-off Valves
 - A. A listed lever or wheel, thermally-operated oil shut-off valve designed to shut off the oil supply in case of fire, shall be installed at the burner and at the oil supply tank.
 - (1) When outside tanks are used, a thermally operated shut-off valve shall be installed where the supply line enters (inside) the building.
 - (2) When inside tanks are used and the oil supply tank is installed in a separate room, a thermally operated shut-off valve shall be installed where the line enters the room where the appliance is located.
 - B. Whenever the oil supply is taken from the top of an oil tank, whether the oil tanks are outside or inside, a thermally operated wheel or lever type shut-off valve shall be installed at the tank and at the burner for control of the fuel. A check valve may be used in the supply line, but no valve or obstruction shall be placed in a return line connected to a burner or pump.
2. Thermally-Operated Valves. Thermally operated valves over ½ inch that are not currently listed may be installed upon receipt of written approval of

a Board Inspector. The written approval must be requested and received prior to installation.

9. OIL SUPPLY AND RETURN PIPING

1. Whenever a copper oil supply or return line is installed under cement, sub-floors, or earth surface, it shall be continuous from the burner to the tank without any splices.
2. In order to avoid undetected oil leaks under floors, all copper oil supply and return lines installed under cement, sub floors, or beneath any surface, shall be encased in a continuous piece of non-metallic, liquid tight conduit such as PVC, ENT, or other approved material. The conduit shall be a minimum of one (1) pipe size larger than the oil supply and return lines. The ends of the conduit shall penetrate the cement or earth surface a minimum of two (2) inches above grade. All copper tubing, spliced within an oil supply line, shall be made above the surface of the cement, sub-floor or earth surface.
3. Coated copper tubing must have an OSV valve or PRV valve installed at the tank when used underground.
4. All copper fuel oil lines shall be encased in a continuous piece of non-metallic liquid tight conduit such as PVC, ENT, coated copper tubing, or other approved material and secured in order to prevent physical damage. The end of the conduit shall not exceed more than two (2) inches from any fitting, except the connection at the fuel tank and at the fuel pump located at the burner shall not exceed six (6) inches.
5. No oil supply line may be concealed in a wall, ceiling, or partition unless access to the oil supply or return line can be had without cutting through existing walls, ceilings or partitions. This may be accomplished by providing removable panels.
6. Oil supply lines, which penetrate a foundation wall, shall be encased in a non-metallic, liquid tight conduit such as PVC, ENT, or other approved material. The sleeve shall be sealed at the wall to prevent the entry of water, insects, or rodents.
7. When an oil filter or other accessory equipment is connected to copper piping smaller than three-quarter (3/4) inch, and is not located within the

vicinity of the oil supply or burner connections, the filter or other devices shall be rigidly supported by a wall or floor mounted bracket or other means providing sufficient support for stability and servicing this type of accessory equipment.

8. All oil supply and return lines of copper tubing shall be connected by flare fittings only. All fittings shall be accessible for service or replacement. No compression fittings shall be used on a supply or return oil line unless it is for the introduction of the lines at the top of the tank with a single or double tap bushing.
9. All connections of supply or return oil lines located outside shall be made with flare frost fittings.
10. No oil lines or oil devices which are disconnected from an oil supply tank, burner or unit, shall be left open. Any oil line or oil device which is disconnected or discontinued shall be sealed or closed with a plug, cap or other approved fitting.
11. Unprotected supply lines that are buried and grouted must be removed from service.
12. If underground or under-slab piping is connected to a tank of over 660 gallons capacity or to tanks with an aggregate capacity of over 1320 gallons, the installation of the underground piping must meet Department of Environmental Protection requirements. (See Appendix A)
13. Oil spills must be reported to the Department of Environmental Protection in accordance with Appendix A.

10. OIL SUPPLY TANKS

1. Inside Tank Fabrication. Rectangular built-in place tanks shall be fabricated using one-quarter (1/4) inch minimum thick steel sheets reinforced on maximum twenty-four (24) inch centers. Tank bottoms shall be supported on twelve (12) inch wide non-combustible piers, to a height of eight (8) inches above the floor. All welding shall be performed by a welder. Tanks shall be designed by a registered engineer who shall observe the tank under 5 PSI test and certify to it being tight under this test.
2. Manholes

- A. Manholes, sixteen (16) inches in diameter or larger, shall be installed in the top of all tanks of 5,000 gallons or more.
 - B. Manholes provided in 5,000 gallons supply tanks shall be liquid tight when installed inside of a structure.
 - C. Manholes, when required for outside use, may take the form of a floating lifter roof or weak roof-to-shell seam, or other approved pressure relieving construction.
3. Clearances. All fuel oil supply tanks must be a minimum of five (5) feet from any gas and/or solid fuel burning appliance.

11. OUTSIDE OIL SUPPLY TANKS

- 1. Oil supply tanks shall not be installed on wood or other combustible surfaces or supports.
- 2. Outside oil supply tanks of 350 gallons or less shall be supported in accordance with 9-11.3 and 9-11.4.
- 3. A horizontal oil supply tank shall be mounted on steel pipe legs, not exceeding twelve (12) inches in height with floor flanges at the base of the steel legs and be supported by four (4), 4 x 8 x 16 inch reinforced concrete blocks, or a one (1) piece reinforced concrete pad not smaller than the tank dimensions. The four (4) blocks or the pad shall rest on a firm subgrade consisting of a bed of compacted, well draining gravel (6 inch minimum), crushed stone (6 inch minimum), or some other subgrade approved by the Board. See Figure 12(a). There must be a minimum of 4" of clearance under the tank from any surface. See Figure 12(a)).
- 4. An upright or vertical tank shall be mounted on steel pipe legs not exceeding twelve (12) inches in height, with floor flanges at the base of the steel leg, and supported by a reinforced concrete pad at least three (3) inches thick. The pad's width and length shall not be smaller than the tank dimensions. The pad shall be of one (1) piece construction. The pad shall rest on a bed of compacted, well draining gravel (6 inches minimum), crushed stone (6 inches minimum), or some other subgrade approved by the Board. There must be a minimum of 4 inches of clearance under the tank from any surface. See Figure 12(b).

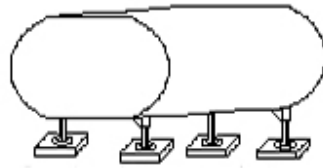


Figure 12 (a) Tank footing and support for horizontal tanks of 350 gallons or less outside of buildings.

1. Footing to consist of one (1) 4" x 8" x 16" reinforced concrete block for each leg. Blocks to rest on a 6" bed of compacted, well-draining gravel, a 6" bed of crushed stone, or some other subgrade approved by the board.
2. Supports to consist of maximum 12" legs with floor flanges.
3. Leg brackets may not be used for supports on blocks.
4. Bottom of tank shall have a minimum of 4" clearance from any surface.

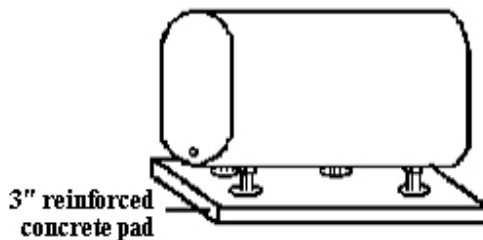


Figure 12 (b) Tank footing and support for upright or vertical tanks of 350 gallons or less outside of buildings.

1. Footing to consist of one (1) 3" reinforced concrete pad resting on a 6" bed of compacted, well-draining gravel, a 6" bed of crushed stone, or some other subgrade approved by the board.
 2. Supports to consist of maximum 12" legs with floor flanges.
 3. Leg brackets may not be used for supports on blocks.
 4. Bottom of tank shall have a minimum of 4" clearance from any surface.
-
5. When installing a vertical fuel oil tank in a listed secondary containment system, the four (4) inch clearance requirement from the bottom of the tank to any surface may be reduced to a minimum of one (1) inch.
 6. The leg brackets welded on the tank shall not be considered a leg and may not be used to rest on the side of the reinforced concrete pad or reinforced concrete blocks.
 7. When a reinforced concrete pad is fabricated on-site, the legs of the supply tanks shall not be embedded as part of the pad.
 8. In all installations, the pipe flanges must be in direct contact with a reinforced concrete pad or reinforced concrete blocks.
 9. Tanks must be disposed of in accordance with the Department of Environmental Protections Rules. Used, underground, oil storage tanks are prohibited from use for aboveground supply of oil except where a

Maine registered engineer certifies that the tank meets the requirements of UL 142 and NFPA 30.

10. Outside tanks and piping must be located such that they are not subject to falling snow or ice. To meet this requirement, the tank and outdoor piping must be installed with a protective cover over the tank valve, oil filter, and any piping which is either without structural support or not attached to the side of the building.
11. All outside supply tanks shall be held to the same standards as newly installed tanks.
12. For a single-tank installation, the fuel supply line cannot extend more than twelve (12) inches beyond the face of the tank.

12. INSIDE OIL SUPPLY TANKS

1. No oil supply tanks may be installed on wood or other combustible surfaces.
2. The installation of an unenclosed supply tank(s) located inside a building(s) without a finished cement floor, shall be supported by (4) four 4x8x16 inch reinforced concrete blocks or a reinforced concrete pad. The pad shall be at least three (3) inches thick, the width and length extending the full dimensions of the tank. The tank legs shall not exceed twelve (12) inches in height with floor flanges at the base of the steel legs. There must be a minimum of 4 inches of clearance under the tank from any surface.
 - A. An inside oil supply tank shall be mounted on steel pipe legs not exceeding twelve (12) inches in height. The steel pipe legs or flanges must be in direct contact with a reinforced concrete pad or a reinforced concrete block under each leg.

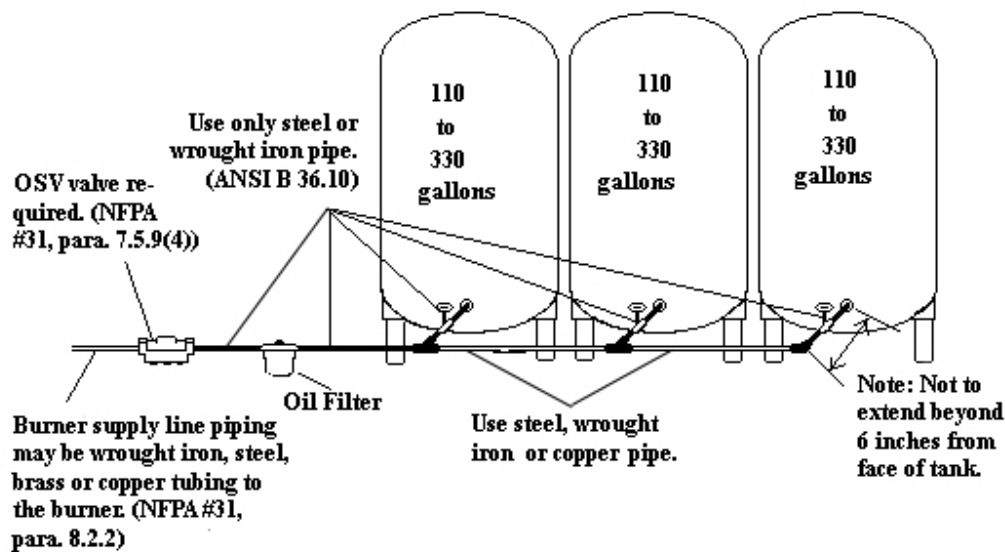


Figure 13 (b) Piping for three tank oil supply arrangement

- B. The top of all of the fuel oil tanks on a multiple tank installation shall be on the same horizontal plane.
 - C. Oil shut-off valves shall be provided immediately adjacent to the burner supply connections at the bottom of the supply tanks.
 - D. The manifold at the cross connections of the burner supply line, shall be of steel, wrought-iron pipe or copper tubing. (Standards for Steel and Wrought-Iron Pipe, ANSI B36.10). The manifold piping shall be as close to the shutoff valves as possible so that the distance between the tank and the last fitting shall not extend beyond (6) six inches from the face of the tanks and the final fitting (elbow or tee). See Figure 13(b).
 - E. On multiple tank installations, it is the installer's responsibility to ensure that return line product will not cause spillage.
 - F. When installing multiple fuel oil tanks with separate fill pipes and a common venting system, the requirement for increasing the vent pipe one pipe size larger than the largest individual vent pipe shall not be required.
3. When installing two tanks that are cross connected according to Figure 7.7.1 of NFPA #31, 2006 edition, the gauge must be installed only in the

vented tank and all burner supply piping from the tank outlet to the filter installed at the tank must be black iron pipe. The piping connected from the second tank may be either black iron pipe or copper tubing. If the filter is not located at the tank manifold, then copper tubing may be used to connect the black iron pipe manifold to the inlet of the filter.

4. When removing, replacing, or taking a tank out of service for any period of time, the oil tank fill and vent piping shall be removed from the side of the building.

13. VENT ALARMS

1. All No. 1 and No. 2 fuel oil tanks from 11 to 5,000 gallon capacity located inside a structure shall have a vent alarm.
2. All No. 1 and No. 2 fuel oil tanks from 65 to 5,000 gallon capacity located outside shall have a vent alarm.
3. All vent alarms must be installed according to Manufacturer's Instructions.

14. TANK PATCHES

All oil supply tanks must be liquid tight. Leaking tanks may be temporarily repaired with a tank patch. Any tank so repaired must be replaced within 90 days of the repair.

15. USED UNDERGROUND OIL TANKS

Abandoned underground oil storage tanks are prohibited from use for above ground storage of oil, except if approved by the Maine State Fire Marshal or if a Maine professional registered engineer or other person meeting the requirements of Statutes and Rules governing professional engineers practicing in Maine, certifies that the tank meets all applicable specifications and requirements of UL 142 and NFPA #30.

16. STATE INTERNAL PLUMBING RULES

All piping and safety controls on domestic water heaters and domestic water connections to boilers and heaters shall be made in accordance with the State of Maine Internal Plumbing Code.

17. ELECTRICAL EQUIPMENT, REQUIRED CONTROL SWITCHES

1. Thermal Electric Switches. A thermal cut-off switch shall be wired into the burner circuit to shut off the burner in the event of a fire at the unit. The switch shall be placed at the highest point directly above the unit to be fired with the thermal element pointed downwards and shall be placed on the bottom of the floor joist or stringer at the front of the unit. In no case shall it be lower than the point where the flue connector enters the chimney. The switch shall be wired to shut-off the burner, circulating fan, forced or induced draft fan and any remote oil pump that is not an integral part of the burner. A thermal electric switch is required for each oil-fired unit in a multi-appliance installation.
 - A. On multi-unit installations the emergency and thermal electrical switches shall be wired in series through individual unit relays so that, if one switch is opened, all equipment will be rendered inoperable whenever the "EMERGENCY" switch is opened.

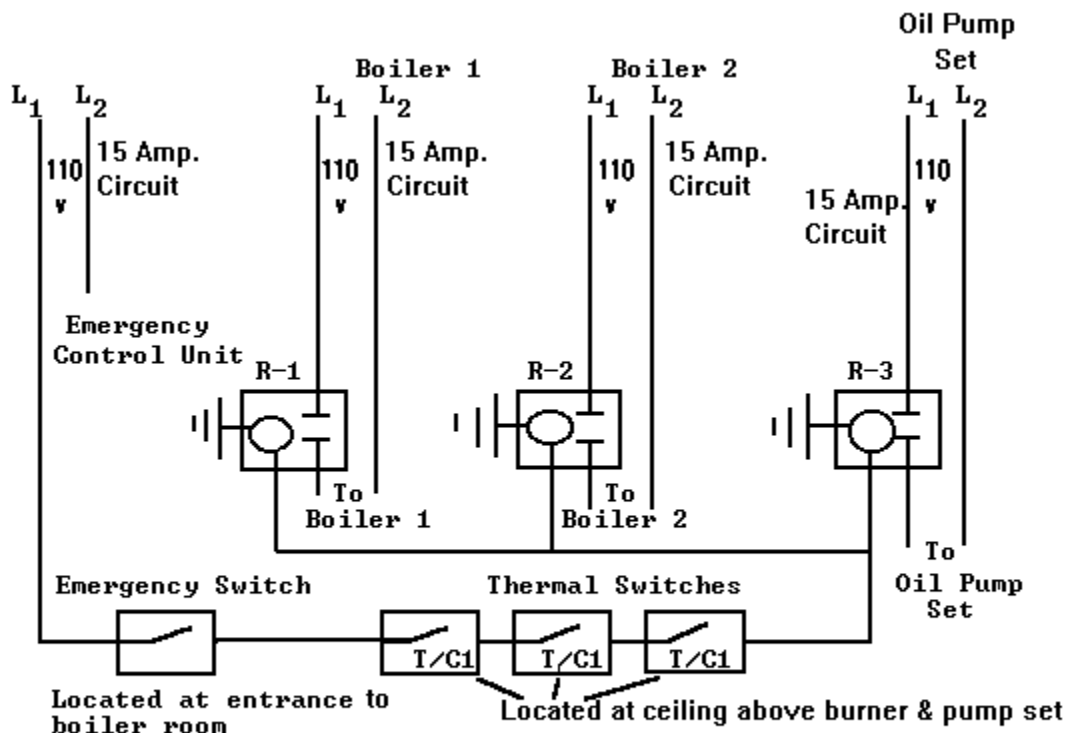


Figure 23 (a) For use on commercial and industrial equipment only. This requirement shall not apply to one or two story residences.

2. Service Switch

- A. A service disconnect switch for control of the burner while observing the flame shall be placed at the unit, within arm's reach of the technician.

3. Emergency Switch(es)

- A. If the entrance to the boiler room is only accessible from the outside, the emergency switch may be placed at the inside not more than one foot beyond the door opening.
- B. An emergency switch shall not be placed outside of any building. If conditions are encountered preventing strict adherence to this standard, a Modification of Standards must be requested from the Board. (See Chapter 8, Modification of Standards)
- C. Safety and limiting controls shall not be used to manually start and stop the burner by manual manipulation of the controls, except when permitted by the control manufacturer's installation and operation instructions for testing.
- D. On commercial and industrial equipment, the emergency switch shall be installed in accordance with Figure 23(c) on multi-unit installations. The requirements of Section 17(1)(A) of this chapter shall not apply to one or two-story residences.
 - (1) On multi-unit installations, the emergency shut-off switch shall be placed at the outside entrance of the room containing the appliances. The emergency switches and the thermal cut-off switches shall be wired in series through individual unit relays so that, if the emergency switch is opened, all heating equipment in the room and the remote pump set will be rendered inoperable. This application shall also apply if there are two or more appliance rooms in the same building connected to a common fuel supply system.

NOTE: For Primary Safety Controls, Required Programming and Timings for Burners, refer to ASME CSD-1.

4. Controls Containing Mercury

- A. Thermostats containing mercury must be disposed of according to all Federal and State Regulations. (Refer to Title 38, Section 1663 and check with your local supplier)

18. STEAM BOILERS

1. Steam boilers must be installed according to Manufacturer's Instructions.

19. SAFETY AND PRESSURE RELIEF VALVES

Steam and hot water boilers shall be equipped with listed or approved steam safety or pressure relief valves of appropriate discharge capacity and conforming with ASME requirements (ASME Boiler & Pressure Vessel Code, Section IV, Heating Boilers). A shut-off valve shall not be placed between the relief valve and the boiler or on discharge pipes between such valves and the atmosphere.

20. WATER AND STEAM BOILER PIPE SUPPORTS

1. Piping shall be supported with pipe hooks, metal pipe straps, bands, brackets, or hangers suitable for the size of the piping and shall be of adequate strength and quality and located at intervals so as to prevent or damp out excessive vibration.
2. Spacing of supports shall not be greater than shown in Table 9-20.
3. Supports, hangers, and anchors shall be installed so as to not interfere with the free expansion and contraction of the piping between anchors. All parts of the supporting equipment shall be designed and installed so that they will not be disengaged by movement of the supporting piping.

Table 9-20

Support of Piping

Steel Pipe, Nominal Size of Pipe (Inches)	Spacing of Supports (Feet)	Nominal Size of Tubing (Inch O.D.)	Spacing of Supports (Feet)
1/2	6	1/2	4
3/4 or 1	8	5/8 or 3/4	6
1 1/4 or larger (horizontal)	10	7/8 or 1	8
1 1/4 or larger (vertical)	every floor level		

21. TEMPORARY REPAIR OF HEAT EXCHANGERS

1. Furnace cement or other materials used to seal cracks in the heat exchanger or parts which provide closure therein may be sealed for a maximum of 45 days with furnace cement or other materials.
2. Whenever a Compliance Officer conducts an inspection and finds a heat exchanger which has been repaired with furnace cement more than 45 days prior to the inspection, he or she shall order it removed unless a purchase order is provided evidencing that replacement of the heat exchanger is in process.

22. WELDING OF HEAT EXCHANGERS

1. The manufacturer shall be consulted to determine whether the welding of a heat exchanger is feasible and would be consistent with sound engineering practice. The manufacturer shall provide a written statement as to the feasibility of its heat exchanger being welded.

2. The repair of a heat exchanger by welding shall be performed by a welder in a procedure suitable for the material. It is the responsibility of the master licensee to oversee such repairs.
3. The master licensee shall receive guidance from the welder as to the feasibility and acceptability, of performing the welding procedure of the metals prior to the repair of any heat exchanger.
4. After completion of said repairs or welding, the master licensee shall obtain a written statement from the welder documenting that the heat exchanger has been welded, tested, and is acceptable for use without leakage of after-products into the living space.
5. Written documentation of said repairs or welding shall be provided to the homeowner. The original documentation shall be kept on file by the master licensee who requested the welding. A copy of all the repair documents containing, at a minimum, the following information shall be sent to the Board:
 - A. The name of the owner and location where the repair was completed;
 - B. The name and address of the welder;
 - C. The specific area(s) or location(s) where the repair or welding was performed;
 - D. Written approval of the repair from the manufacturer;
 - E. Equipment identification information, i.e. model name, model number, serial number and gross Btu. rating; and
 - F. The name, address, and license number of the master licensee who requested the repair.
6. The welding repair of a heat exchanger may be performed once by a State Certified Welder welder. If for any reason the welding repairs have to be done a second time, the master licensee shall notify the Board for approval before attempting to weld a second time. When circumstances are such that the heat exchanger is no longer in production, the master licensee shall request approval from the Board in writing prior to any repairs being performed.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-443

CHAPTER 110: INSTALLATION OF SOLID FUEL BURNING EQUIPMENT

Summary: The purpose of this chapter is to specify the proper installation of solid fuel burning equipment in accordance with NFPA #211.

1. SCOPE

This Chapter applies to residential, commercial and industrial installations of solid fuel burning equipment which are connected to a central heating system or water heating equipment.

2. NATIONALLY RECOGNIZED TESTING LABORATORY

All heating, chimney and fireplace equipment, as well as any accessory equipment must be listed and approved by Underwriters' Laboratories or by an independent nationally recognized testing laboratory. Such listing must be in effect at time of installation.

3. WORKMANSHIP

All work shall be conducted, installed, and completed in a neat and professional manner reflecting a minimum level of competent workmanship.

4. INSTALLATIONS

Whenever a furnace, direct-fired water heater, or boiler is installed, the total installation must be brought into compliance with the requirements of NFPA #211 and all other Rules adopted by the Board **BEFORE** the furnace, direct-fired water heater, or boiler is fired. Prior to leaving the installation (whether installed inside or outside any structure) unsupervised, the licensed solid fuel technician shall observe, inspect, and test the equipment to ensure that the installation is operating safely in accordance with the Board's Rules.

5. REPAIR OR REPLACEMENT

Repair of any system or replacement of parts may be made in the same manner as it was in the existing system provided that such repair or replacement is not hazardous. All material, equipment and devices shall be constructed and installed in accordance with their specific purposes and listings.

6. MAINTENANCE

When performing any service on a customer's heating system, the licensee must notify the owner of any code violations and make recommendations to address them.

7. HEAT LOSS REQUIREMENT

1. New Installations. Heat loss system design and system load calculations for all new installations shall be performed prior to the installation. The licensee must retain a copy of the heat loss system design and system load calculations such that it may be produced for inspection upon request of a Board inspector.
2. Replacement Systems. A heat loss and/or load calculation shall be conducted before replacement. The heat loss and/or load calculation may be obtained from the original design plans. The licensee must retain a copy of the heat loss system design or system load calculations and produce it for inspection upon request of a Board inspector.

8. APPLIANCES

1. Solid fuel burning appliances shall be listed and installed in accordance with the terms of their listing.
2. The manufacturer's instructions shall be left with the owner.
3. The installation shall be made by licensed technicians experienced in making such installations.
4. The installation shall be such as to provide reasonable accessibility for: cleaning heating surfaces; removing burners (multi-fuel and/or combination units); replacing motors, controls, air filters, draft regulators, chimney connectors, and other working parts; and adjusting, cleaning, and lubricating parts requiring such attention. This requirement also pertains to stoker-fired units.

5. No combustible material may be placed adjacent to the solid fuel burning appliance with less clearance than permitted by the manufacturer, NFPA #211 or the Board's Rules.
6. Solid fuel burning units shall not be installed where gasoline or any other flammable vapors or gases are likely to be present unless the unit is a sealed combustion system for which the air is taken from the outside.
7. Whenever a solid fuel appliance is installed to work in conjunction with an oil burning appliance, the wiring of the oil burning appliance shall be brought into compliance with the requirements of the Board's Rules before the unit is fired. The wiring update must include the following where applicable:
 - A. Properly rated fuse or breaker;
 - B. Properly rated wiring;
 - C. Properly installed and located emergency switch;
 - D. Properly installed and located thermal electric switch;
 - E. Properly installed and located service switch; and
 - F. Properly installed and located low water cut-off.

9. SOLID FUEL IN GARAGES

Except as described below, solid fuel burning appliances cannot be installed in any garage unless installed in a separate room either in or attached to the garage and that is accessible only from the outside. For a Major Repair Garage, the fire wall separation shall be two (2) hours. For Minor Repair and Parking Garages, the fire wall separation shall be one (1) hour. All combustion air must be taken from outside the building.

Note: Refer to NFPA #30A for further information.

Exception: Solid fuel burning appliances using sealed combustion systems for which the air for combustion is taken from the outside may be installed in garages of one and two-family dwellings.

10. POWER FAILURE BY-PASS AND VALVES

1. A boiler shall be provided with a power failure by-pass and valve in a closed system.
2. To prevent overheating conditions during a power failure, a normally open zone valve shall be connected to the largest heating loop in the system above the level of the boiler. A manual by-pass valve shall be installed in case of the failure of the zone valve. This shall be accomplished by installing the zone valve prior to the flow valve and connecting it to the largest loop in the system. The hand valve shall be installed in a loop around the zone valve as illustrated in Figure SF-1.

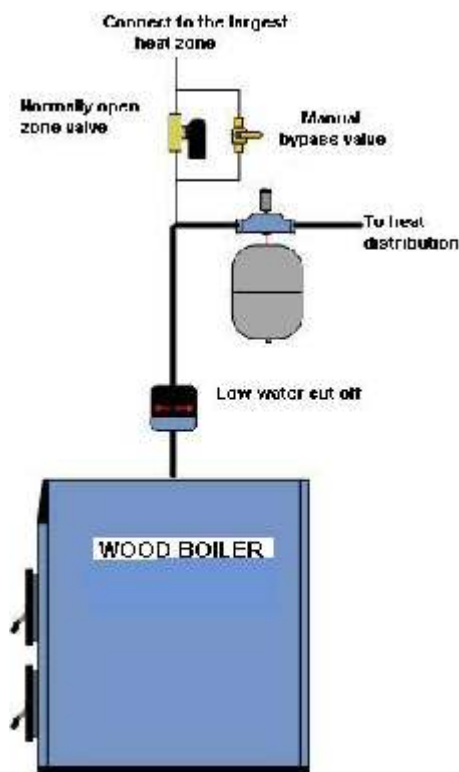


Figure SF-1
Power Failure By-Pass

3. This section does not apply to listed outdoor solid fuel burning central heating appliances.
4. This section does not apply to solid fuel burning appliances for which the interruption of power will arrest combustion and interrupt fuel supply if the appliance is a residential-type heating appliance as defined in NFPA #211.

11. AIR COMBUSTION AND VENTILATION

Solid fuel burning appliances shall be installed in a location and manner to provide adequate ventilation and combustion air supply to permit proper fuel combustion, chimney draft and maintenance of safe temperatures. In cases of buildings which are so tight that normal infiltration does not provide the necessary air, outside air shall be introduced in accordance with manufacturer's instructions.

12. ELECTRICAL WIRING AND EQUIPMENT

1. The following standards must be met for the electrical wiring and equipment used in connection with solid fuel burning equipment:
 - A. The electrical wiring and equipment used shall be installed in accordance with NFPA #70 (National Electrical Code);
 - B. Safety control circuits shall be two-wire, one side grounded, having a nominal voltage not exceeding 150 Volts. A safety control or protective device shall be connected so as to interrupt the ungrounded conductor; and
 - C. The control circuit shall be connected to a power supply branch circuit fused at not more than the value appropriate for the rating of any control or device included in the circuit.
2. The following additional standards must be met for solid fuel burning appliances that are automatically fed:
 - A. **Electrical Equipment, Required Control Switches**
 - (1) Thermal Electric Switches. A thermal cut-off switch shall be wired into the burner circuit to shut off the burner in the event of a fire at the unit. The switch shall be placed directly above the unit to be fired with the thermal element pointed downwards and shall be placed at the front of the unit. The switch shall be no lower than the highest point of the flue connector where it enters the chimney. The switch shall be wired to shut-off the burner, circulating fan, forced or induced draft fan and any remote fuel delivery device that is not an integral part of the burner. A thermal electric switch is required for each unit in a multi-appliance installation.
 - (2) On multi-appliance installations the emergency and thermal electrical switches shall be wired, in series through individual unit relays such that, if one thermal switch or the

“EMERGENCY” switch is open, the combustion air fan and fuel delivery system will be shut off. This also applies if there are two or more appliance rooms in the same building connected to a common fuel supply system.

Note: An example of wiring for multi-appliance installations is illustrated in Figure SF-2.

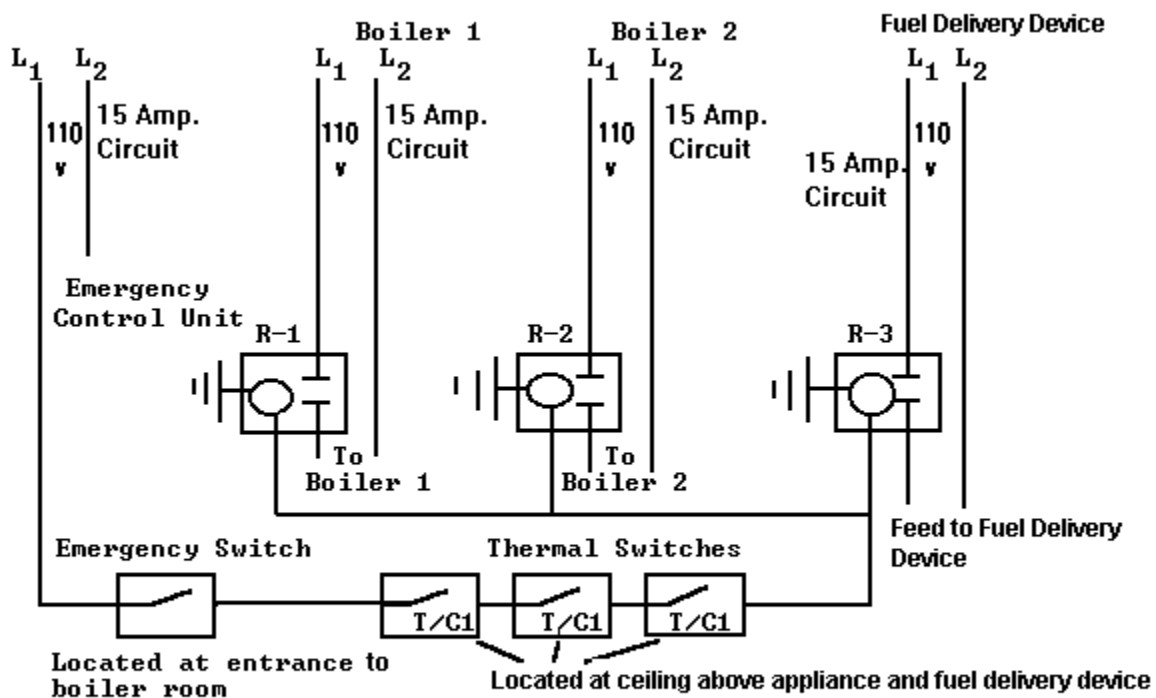


Figure SF - 2

B. Disconnect Switch

A burner disconnect switch shall be placed within three (3) feet of the burner.

C. Emergency Switch(es)

(1) An identified switch to shut down the boiler, furnace or water heater in an emergency shall be placed outside of and adjacent to the entrance to the room where the appliance is located.

(2) If the entrance to the boiler room is only accessible from outdoors, the emergency switch may be placed inside not more than one (1) foot beyond the door opening.

13. INSTALLATION OF COMBINATION UNITS (SOLID FUEL/OIL/GAS)

All multi-fueled appliances shall comply with the applicable provisions of the Board's Rules.

14. CONVERSION BURNERS

When an appliance is converted from a liquid or gaseous fuel to a solid fuel, the conversion burner must be listed by Underwriters' Laboratory or by an independent nationally recognized testing laboratory and must comply with all sections of this Chapter.

1. A conversion burner must be tested for use in the individual appliance in which it is intended to be installed and shall meet one of the following conditions:

A. The conversion burner has been tested by the burner manufacturer in the individual appliance in which it is intended to be installed and has been approved for use in such appliance by a licensed professional engineer with the proper disciplines;

B. The conversion burner has been tested by an independent testing laboratory in the individual appliance in which it is intended to be installed and has been certified for use in such appliance by the independent testing laboratory; or

- C. The conversion burner has been tested by the appliance manufacturer in the individual appliance in which it is intended to be installed and has been approved for use in such appliance by the appliance manufacturer.

Such appliance manufacturer or licensed professional engineer must provide installation and combustion set-up instructions for the appliance.

- 2. A conversion burner may not be installed into direct vent appliances unless the conversion burner has been approved for use in the appliance by the manufacturer of the appliance.
- 3. A conversion burner may not be installed into power vented appliances unless the power venter is specifically approved for use with solid fuel.
- 4. When converting to solid fuel from another fuel source, the installation must comply with all applicable provisions of NFPA #211 and the Board's Rules.
- 5. Warm air furnace plenums and ductwork must comply with the applicable provisions of NFPA #90B for clearance from combustible materials.
- 6. When an oil tank is temporarily taken out of service for the purpose of using a solid fuel conversion burner, the following must be done:
 - A. The fill pipe to the tank must be completely removed and the fitting in the tank plugged liquid tight with a threaded plug;
 - B. The oil line to the boiler or furnace must be capped or plugged at both ends and the thermal valve must be capped or plugged at the tank; and
 - C. All vent lines must remain intact to the outside and remain open.
- 7. An interlock device shall be installed so that combustion will be arrested if the burner is removed from the heating appliance.
- 8. Furnaces shall have a 250 degree Fahrenheit limit control installed in the supply plenum not more than ten (10) inches above the top surface of the heat exchanger. The limit control shall extend at least twelve (12) inches into the supply plenum.

15. WATER HEATERS

All piping and safety controls on potable water heaters and potable water connections to boilers and tankless coil heaters shall comply with applicable provisions of the State of Maine Plumbers' Examining Board Laws and Rules.

16. LOW WATER CONTROL FOR SOLID FUEL FIRED BOILERS

Low water protection shall be accomplished in one of two ways:

1. If the opening of an electric circuit will arrest the combustion process, a low water cut-off will be satisfactory if it conforms to the following:
 - A. All solid fuel fired boilers shall be provided with a properly installed and operating low water cut-off. The low water cut-off may be installed in, or attached to, the boiler at the level recommended by the boiler manufacturer, but in no case shall the low water cut-off be installed below the crown sheet. The low water cut-off, when not installed directly in the boiler, may be installed either in the main supply line (vertical riser) as close to the boiler as possible or in a water column of continuous piping attached directly to the boiler.
 - B. The low water cut-off shall be designed and approved for the media in which it is used, either steam or water.
 - C. No valves or other obstructive devices may be installed between the boiler and any safety controls or devices; or
2. If the opening of an electric circuit will not arrest the combustion process, low water protection shall be accomplished in accordance with the appliance manufacturer's instructions.

17. SAFETY AND PRESSURE RELIEF VALVES

1. Steam and hot water boilers shall be equipped with listed or approved steam safety or pressure relief valves that conform to ASME requirements. A shut-off valve may not be placed between the relief valve and the boiler or on discharge pipes between such valves and the atmosphere.
2. All steam safety or pressure relief valves shall terminate in a manner which precludes the possibility of accidental scalding in accordance with ASME.

3. Steam safety or pressure relief valves which terminate in the structure shall terminate 6" to 12" above the floor.
4. No valves or other obstructive devices may be installed between the boiler and any safety controls or devices.

18. WATER AND STEAM BOILER PIPE SUPPORTS

1. Piping shall be supported with pipe hooks, metal pipe straps, bands, brackets, or hangers suitable for the size of the piping and shall be of adequate strength and quality and located at appropriate intervals so as to prevent or damp out excessive vibration.
2. Spacing of supports may not be greater than shown in Table 18.
3. Supports, hangers, and anchors shall be installed so as to not interfere with the free expansion and contraction of the piping between anchors. All parts of the supporting equipment shall be designed and installed so that they will not disengage by movement of the supporting piping.

Table 18
Support of Piping

Steel Pipe, Nominal Size of Pipe (Inches)	Spacing of Supports (Feet)	Nominal Size of Tubing (Inch O.D.)	Spacing of Supports (Feet)
1/2	6	1/2	4
3/4 or 1	8	5/8 or 3/4	6
1 1/4 or larger (horizontal)	10	7/8 or 1	8
1 1/4 or larger (vertical)	every floor level		

19. THERMOSTATICALLY-CONTROLLED, HAND-FIRED WARM AIR UNITS

1. A 250 degree Fahrenheit limit control shall be installed in the supply plenum not more than ten (10) inches above the top surface of the heat exchanger and shall extend at least twelve (12) inches into the supply plenum.
2. The limit control shall automatically prevent operation of the furnace in the event of power failure or shut off when 250 degrees Fahrenheit temperature is reached whether or not the electrical power source is available.
3. A barometric draft control, if required, shall be installed in accordance with the manufacturer's instructions.

20. EMERGENCY TEMPORARY REPAIR OF WARM AIR HEAT EXCHANGERS

Emergency temporary repairs of warm air heat exchangers in solid fuel burning appliances are allowed if the safety limitations of the repairs are explained in writing to the owner at the time of the repair.

21. WELDING OF NON-RESIDENTIAL WARM AIR HEAT EXCHANGERS

1. The manufacturer shall be consulted to determine whether the welding of a heat exchanger is sound engineering practice. The manufacturer shall provide a written statement as to the feasibility of its heat exchanger being welded. If the heat exchanger is no longer in production, a master licensee shall make a written request to the Board and obtain written approval from the Board before the repair is undertaken.
2. The repair of a heat exchanger by welding shall be performed by a welder in a procedure suitable for the material. A master licensee shall oversee such repairs.
3. The master licensee shall receive guidance from the welder as to the feasibility and acceptability of performing the welding procedure of the metals prior to the repair of any heat exchanger.
4. After completion of said repairs or welding, the master licensee shall obtain a written statement from the welder documenting that the heat exchanger has been welded, tested and is acceptable for use without leakage of after-products.

5. Written documentation of said repairs or welding shall be provided to the owner. The original documentation shall be kept on file by the master licensee who requested the welding. A copy of all the repair documents containing, at a minimum, the following information shall be sent to the Board:
 - A. The name of the owner and location where the repairs were completed;
 - B. The name and address of the welder;
 - C. Specific area(s) or location(s) where the repair(s) or welding was performed;
 - D. Written approval of the repair from the manufacturer where applicable;
 - E. Equipment identification information, i.e., name, model number, serial number and gross Btu. rating; and
 - F. The name, address, and license number of the master licensee who requested the repair.
6. Welding repair of a heat exchanger may be performed only once. A subsequent welding repair may not be made to a heat exchanger unless a master licensee makes written request to the Board and obtains written approval from the Board before the repair is undertaken.

STATUTORY AUTHORITY: 32 MRSA §18123(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-444

CHAPTER 111: CHIMNEYS

Summary: The primary purpose of this Chapter to set forth the rules governing the removal of waste gases, the reduction of fire hazards associated with the construction and installation of chimneys, fireplaces, and venting systems for residential, commercial, and industrial appliances in accordance with NFPA #211 (see Chapter 107) and these Rules.

1. NATIONALLY-ACCREDITED TESTING LABORATORY

All heating, chimney and/or fireplace equipment installed, as well as any accessory equipment installed, must be listed and approved by Underwriters' Laboratories or by a nationally-accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at time of installation. All equipment must be continually listed by a nationally-accredited testing laboratory. See Appendix D.

2. CHIMNEY DISCLOSURE

Construction of masonry chimney systems require a State of Maine Chimney Disclosure Form to be completed by the installer. (See Appendix G)

3. USE OF EXISTING CHIMNEYS

The required two (2) inch minimum clearance to combustible material for interior chimneys and the one (1) inch clearance to combustible material for exterior chimneys is not required when replacing oil fired appliances.

NOTE: The above clearances are required when a solid fuel appliance or a wood stove is connected to the chimney flue.

4. INTERCONNECTION

1. Gas utilization appliances and appliances burning liquid fuels may be connected to one chimney flue through separate openings or may be connected through a single opening if joined by a suitable fitting located as

close as practical to the chimney provided. (Refer to NFPA #211, see Chapter 107)

2. The interconnection of oil and solid fuel-burning equipment is not acceptable unless the equipment is specifically listed for such connections.

5. USE OF PRIORITY CONTROLS FOR MULTIPLE UNITS.

1. A priority control for installation of an oil-fired warm air furnace and an oil-fired hot water heater when the existing chimney flue is not of adequate size to accommodate both appliances is allowed. The chimney must be lined. This is required when replacing an existing furnace or water heater when the chimney is not properly sized for both appliances.

AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-445

CHAPTER 113: INSTALLATION OF WASTE OIL APPLIANCES AND WASTE OIL SUPPLY TANKS

Summary: The purpose of this Chapter is to provide requirements for the use of waste oil burning equipment and accessory equipment installations in specific applications. See Appendix A and B to Chapter 107 for further information.

1. NATIONALLY-ACCREDITED TESTING LABORATORY

All heating, chimney and/or fireplace equipment installed as well as any accessory equipment installed must be listed and approved by Underwriters' Laboratories or by a nationally-accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at the time of installation. All equipment must be continually listed by a nationally-accredited testing laboratory.

2. GENERAL

1. The installation of waste oil burning unit(s) and their service shall be performed by licensed individuals experienced in servicing and installing such equipment.
2. The installation and servicing of waste oil appliances shall be made in accordance with the manufacturer's instructions and with state and local codes.
3. Waste oil tanks must be labeled with the words "Used Oil" in accordance with 40 CFR 279.22(c)(1-2).

3. USE OF APPROVED EQUIPMENT

Waste oil burning equipment shall be listed or labeled by a nationally-accredited testing laboratory. Appliances and accessory equipment listed for a specific purpose shall be considered as meeting the requirements of NFPA #31 and other Rules adopted by the Board.

4. TYPE OF FUEL

1. Waste oil fuel tank(s) may contain: 1 and 2 fuel oils; crankcase oil up to 50 SAE; automatic transmission fluid; and hydraulic oils; and specified refined waste fuels only. A complete definition of waste oil can be found in the Department of Environmental Protection's Chapter 860: "Waste Oil Management Rules," Section 4: "Identification of Waste Oil."
2. Other types of liquids such as anti-freeze, cleaners, thinners, solvents, gasoline or additives, and any other types of hazardous materials may not be introduced into a waste oil supply tank.

5. OIL SUPPLY TANK ARRANGEMENT.

1. All tanks serving a waste oil appliance shall conform to NFPA # 31 and this Chapter.
2. An exception to 13-5.1 provides that a waste oil supply tank of 660 gallons or two tanks of aggregate capacity, supplying a Waste Oil Appliance shall be installed with a receptacle or funnel used specifically for introducing waste oils into a specifically marked waste oil supply tank when the tank and accessories have a 2 inch diameter (nominal inside diameter) iron pipe vent to the outside of the building or structure.
3. The arrangement of the waste oil tank recovery receptacle shall comply with the following:
 - A. The recovered waste oil shall be introduced into the supply tank manually through a valved recovery pan or funnel for waste oils only and shall be located at the top of the tank. See Figure 4(a). The receptacle to receive the oils may be installed as follows:
 - B. Install a close x 2 inch threaded (NPT) metal nipple in the oil supply tanks' 2 inch access opening;
 - C. Install the receptacle (funnel, pan, catch basin, etc.) at the top of the valve;
 - D. Install a gauge in the other available access opening of the tank;
 - E. Spillage by individuals pouring recovered waste oil from a pan, catch basin, or other type of recovery container, must be minimized by metal steps, corresponding to the height of the tank, so an

individual does not have to reach beyond his or her shoulder level while transferring the fuel from the recovery container to the oil supply receptacle. Steps provided shall be a minimum of three (3) feet wide, with a tread height of not more than eight (8) inches. Ladders are not an acceptable alternative; and

- F. Any spillage shall be cleaned up immediately and reported to the Department of Environmental Protection.
4. As an option to the tank arrangement in paragraph 13-5.2 and Figure 4(a), the tank arrangement may be supplied with a funnel and a fill and vent pipe extending to the outside, providing the fill point is identified by a metal placard attached to the building stating: "Waste oil tank, check for inside valve closure prior to filling." See Figure 4(b).
- A. The waste oil supply tank in Figure 4(b) must be provided with a combination oil gauge and vent alarm at the vent pipe due to the availability of only three access openings in the tank. Waste oil tanks with four (4) access openings may use a separate gauge and vent alarm.
 - B. Spillage due to pouring recovered waste oil from a pan, catch basin, or other type of recovery container must be minimized by metal steps, corresponding to the height of the tank, so an individual does not have to reach beyond his or her shoulder level while transferring the fuel from the recovery container to the oil supply receptacle. Steps provided shall be a minimum of three (3) feet wide, with a tread height of not more than eight (8) inches. Ladders are not an acceptable alternative.
 - C. Any spillage shall be cleaned up immediately and reported to the Department of Environmental Protection.

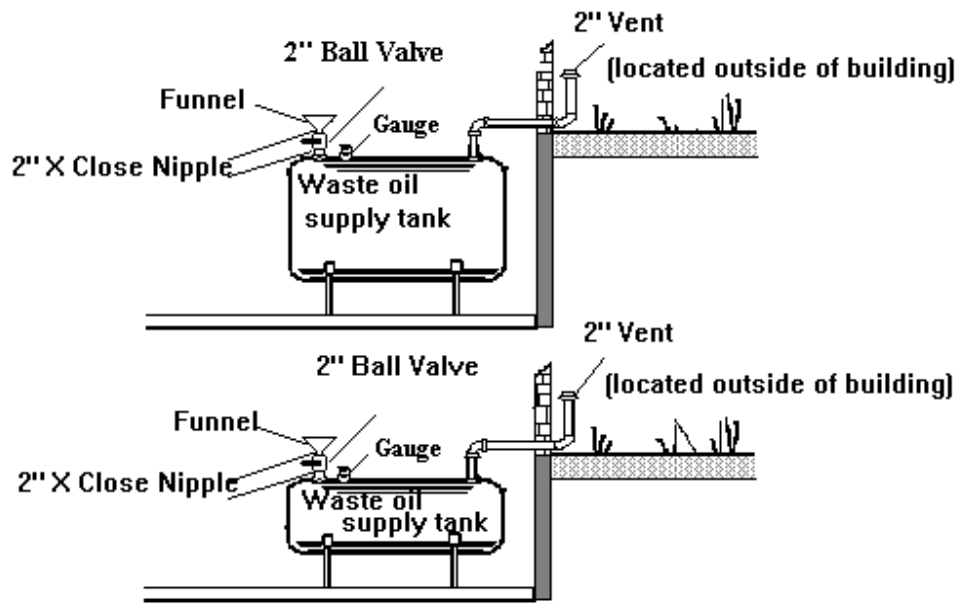


Figure 4 (a)

Note: The fill pipe can have a tee, a nipple, a manual ball valve and funnel. The funnel shall be constructed and placed so as not to restrict ball valve closure and transfer of oil without spillage. The valve shall not be left open. It is the owner's responsibility to ensure the outsidefill is ready for delivery.

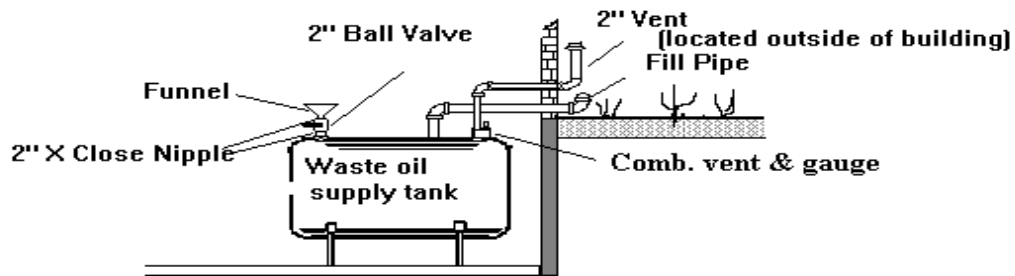


Figure 4 (b)

Note: Metal placard with 1" letters, must read "Waste Oil Tank. check for inside valve closure prior to filling."

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-446

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
658 MAINE FUEL BOARD
CHAPTER 115: DENIAL APPEALS

Summary: This Chapter sets forth a licensee's right to appeal certain board actions.

1. APPEAL OF LICENSE DENIAL

An applicant or licensee may appeal a license denial to the Board by filing a request for hearing with the Board in writing within 30 days of the applicant's or licensee's receipt of notice of the denial. An adjudicatory hearing will be scheduled upon receipt of a timely appeal. Non-timely appeals will be denied without hearing.

STATUTORY AUTHORITY: 5 MRSA §§8051, 9051; 10 MRSA §8003(5-A); 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-447

Appendix A
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OIL REGULATIONS

The Department of Environmental Protection's Bureau of Remediation and Waste Management regulates underground oil storage tanks and the clean up of any discharge of oil onto or into land or waters of the State of Maine.

1. Underground Oil Storage Tanks:

All underground oil storage tanks must be installed by a person who is licensed by the Board of Underground Storage Tank Installers. The installation and operation of the tank is regulated by the Department of Environmental Protection.

2. Reporting Oil Spills:

To avoid fines or civil penalties, oil spills onto or into the lands or waters of the State of Maine must be reported within 2 hours to the Department of Environmental Protection. To report a leak, call the 24 hour response line at 1-800-482-0777.

3. Abandonment of Tank by Removal:

Tanks must be disposed of in accordance with the Department of Environmental Protection Rules. Used, underground, oil storage tanks are prohibited from use for aboveground supply of oil except where a Maine registered engineer certifies that the tank meets the requirements of UL 142 and NFPA 30.

4. Underground Piping and Aboveground Tanks with Over 660 Gallons or Aggregate Volume Over 1320 Gallons

If underground or under-slab piping is to a tank of over 660 gallons capacity or to tanks with an aggregate capacity of over 1320 gallons, then the installation of the underground piping must be installed by a certified underground oil tank installer.

- A. Piping must be installed by a certified underground oil tank installer as required under 38 MRSA §570-K, Above ground oil storage facilities.
- B. Piping must be constructed of fiberglass, cathodically protected steel, or other equally noncorrosive material approved by the Department of Environmental Protection as required under Chapter 691, Rules for Underground Oil Storage Facilities.

- C. Piping installed on or after June 24, 1991 must include secondary containment and leak detection as required under Chapter 691, Rules for Underground Oil Storage Facilities.
 - D. Piping that is “grouted,” such as piping run on the surface of a floor and then encased in grout or cement or some similar material, shall be considered underground piping. Such grouted piping must include secondary containment and leak detection as required under Chapter 691, Rules for Underground Oil Storage Facilities.
5. **For more information about the Department of Environmental Protection’s regulations, contact them at:**

Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
17 State House Station
Augusta, Maine 04333
(207) 287-2651

Appendix B

CHAPTER 425

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Asbestos Regulations

The Department of Environmental Protection's Bureau of Remediation and Waste Management regulates the handling of friable asbestos in the State of Maine. It is also regulated by the Federal Occupational Safety and Health Administration (OSHA).

Friable asbestos is material containing asbestos that is loose, crumbly, or can otherwise easily give off fibers and non-friable material that is processed and becomes loose or crumbly. Asbestos used on boilers, pipes, and tape on air ducts is friable.

The state certifies individuals and licenses companies that work with asbestos. It also sets standards for handling and disposing of asbestos. Anyone impacting more than three square feet or three linear feet of asbestos must be certified and licensed by the DEP, except that licensed oil burner technicians are exempt from certification and licensing requirements when conducting an emergency repair, installation, removal or servicing of heating equipment in single-family homes. An emergency is defined to include: a sudden, unexpected event that, if not immediately attended to, presents a safety or health hazard; operations necessitated by non-routine failures of equipment or to protect equipment from damage; and actions of fire and emergency medical personnel pursuant to duties within their official capacities. However, the oil burner technicians who are exempt from certification and licensing are still required to comply with all of the notification, handling, and disposal requirements.

For more information about the asbestos regulations, including a list of licensed contractors and disposal facilities, contact:

Asbestos Unit, Coordinator	287-2651
Maine Department of Environmental Protection	
Bureau of Remediation and Waste Management	
17 State House Station	
Augusta, Maine 04333	

Occupational Safety and Health Administration	622-8417
40 Western Avenue	
Augusta, Maine 04330	

In addition, the Safety Division of the Maine Bureau of Labor Standards offers free consultations. Contact them at:

Safety Division
Bureau of Labor Standards
82 State House Station
Augusta, Maine 04333

624-6460

Appendix C

**MEMORANDUM OF UNDERSTANDING BETWEEN THE OIL AND SOLID FUEL
BOARD AND THE PLUMBERS' EXAMINING BOARD FOR THE
INSTALLATION OF HOT WATER OR STEAM & WARM AIR HEATING SYSTEMS
RADIATION SUPPLY AND RETURN CONNECTIONS
*ALL TASKS TO BE PERFORMED UNDER THE SUPERVISION
AND RESPONSIBILITY OF A LICENSED MASTER OIL BURNER TECHNICIAN.***

A Master Plumber; or a Journeyman Plumber, under the employment or direction of a Master Plumber,

SHALL NOT

1. Pipe oil tank or run pipe from tank to oil burner.
2. Install any electric wiring unless he or she is licensed to do so.
3. Install any safety equipment.
4. Install smoke pipe.
5. Install thermostat and relays.

A Master Plumber; or a Journeyman Plumber, under the employment and direction of a Master Plumber,

MAY INSTALL

1. Radiation, supply mains and returns, fittings, vents, gate valves, ball valves, zone valves, check valves or other valves that

apply directly to the mechanical function of the heating system. This section does not apply to Safety Valves.

2. Connect mains and returns to boiler.
3. Connect make-up water to boiler.
4. Install back flo preventer.
5. Connect tankless water heater.

A Master Plumber or a Journeyman Plumber, holding an Apprentice Oil Burner license; under the direct supervision of a Master Oil Burner Technician,

MAY

1. Set boiler.
2. Set warm air furnaces, install plenums, warm air and return ducts, registers and piping.

A Master Oil Burner Technician or Solid Fuel Master, as appropriate; or

**A Journeyman Burner Technician,
under the indirect supervision of an
appropriate Master; or**

**An Apprentice Oil Burner or Solid
Fuel Technician, under the direct
supervision of an appropriate Master
or Journeyman,**

MAY

1. Set boiler.
2. Pipe radiation, vents, valves, etc.
3. Install mains and returns.
4. Connect mains and returns to boiler.
5. Connect make-up water to boiler.

Date: April 3, 1991

Lloyd Rainey, Chairperson

Plumbers' Examining Board

6. Install back flo preventer.
7. Install and pipe oil tank.
8. Install set pump, if necessary.
9. Connect oil piping to boiler.
10. Install smoke pipe.
11. Install safety equipment to include safety valves.
12. Install thermostats and relays.
13. Install electric wiring to a breaker or fuse box.
14. Connect a tankless water heater within the boiler room or, if not enclosed, with 15' horizontally to the nearest branch water supply.

Date: April 3, 1991

James Carey, Chairperson

Oil and Solid Fuel Board

Appendix D

MEMORANDUM OF UNDERSTANDING BETWEEN THE OIL & SOLID FUEL BOARD AND THE PROPANE AND NATURAL GAS BOARD FOR THE INSTALLATION OF HOT WATER OR STEAM HEATING SYSTEMS

ALL TASKS TO BE PERFORMED
UNDER THE SUPERVISION AND
RESPONSIBILITY OF A LICENSED
MASTER OIL BURNER TECHNICIAN

A Propane and Natural Gas Appliance
Connection and Service Technician
licensed by the Propane and Natural
Gas Board with an Apprentice Oil
Burner Technicians License

MAY:

1. Set oil-fired boiler.
2. Pipe radiation, vents, valves, etc.
3. Install mains and returns to boiler.
4. Connect make up water to boiler.
5. Install backflow preventer.
6. Install electric wiring to a breaker or fuse box, including emergency switch, service switch and thermo fireomatic switch (per Electricians' Examining Board Rules).
7. Connect a tankless or indirect fired water heater within the boiler room or, if not enclosed, with 15' horizontally to the nearest branch water supply.
8. Install safety devices that are not oil specific.

A Propane and Natural Gas Appliance
Connection and Service Technician
licensed by the Propane and Natural
Gas Board

SHALL NOT:

1. Pipe or set oil tank or run oil line from tank to burner.

2. Install any safety controls that are oil specific.
3. Install any flue pipe or tie appliance into chimney.
4. Shall not fire or adjust the heating appliance.

ALL TASKS TO BE PERFORMED
UNDER THE SUPERVISION AND
RESPONSIBILITY OF A LICENSED
PROPANE AND NATURAL GAS
APPLIANCE CONNECTION AND
SERVICE TECHNICIAN

A Master or Journeyman Oil Technician
licensed by the Oil and Solid Fuel Board
with a Propane and Natural Gas Helpers
License

MAY:

1. Set propane or natural gas fired boilers.
2. Pipe radiation, vents, valves, etc.
3. Install mains and returns to boiler.
4. Connect make up water to boiler.
5. Install backflow preventer.
6. Install electric wiring to a breaker or fuse box, including service switch (per Electricians' Examining Board Rules).
7. Connect a tankless or indirect fired water heater within the boiler room or, if not enclosed, with 15' horizontally to the nearest branch water supply.
8. Install safety devices that are not propane and natural gas specific.

A Master or Journeyman Oil Technician
licensed by the Oil and Solid Fuel Board

SHALL NOT:

1. Pipe or set propane tank or run propane or natural gas lines to burner.

Date: January 17, 2001

Alan Landeen, Chairperson

Propane and Natural Gas Board

2. Install any safety controls that are propane and natural gas specific.
3. Install any flue pipe or tie appliance into chimney.
4. Shall not fire or adjust the heating appliance.

Date: January 25, 2001

James Carey, Chairperson

Oil and Solid Fuel Board

Appendix E

MEMORANDUM OF UNDERSTANDING BETWEEN THE OIL & SOLID FUEL BOARD AND THE ELECTRICIANS' EXAMINING BOARD FOR THE INSTALLATION, SERVICE AND REPAIR OF HOT WATER, STEAM, WARM AIR HEATING SYSTEMS AND OIL FIRED HOT WATER HEATERS

A person holding a valid State of Maine Oil Burner Master or Journeyman Technician's license may install electrical conductors, including the branch circuit, fittings, devices and raceways for the power and control of hot water, steam, warm air heating systems and oil fired water heaters. The technician may also install, replace or adjust any motor or control on the heating branch circuit as required by the NEC 422-12, 1999 edition. This also applies to the branch circuit supplying the oil fired hot water heater.

The technician may install the branch circuit overcurrent device, provided a space in the electrical panel is available. The technician may also install the associated low voltage wiring provided its power supply is fed from the heating branch circuit.

This does not include the wiring of unit and kick space heaters not associated with the heating branch circuit. This does not allow the technician to install receptacles and lighting for servicing the equipment or to wire air conditioning units, evaporators and condensers.

All electrical installations performed must meet the requirements of the National Electrical Code (NFPA 70).

Date: February 16, 2001

Brian McDougal, Chairperson

Electricians' Examining Board

Date: February 21, 2001

James Carey, Chairperson

Oil and Solid Fuel Board

Appendix F

STATE OF MAINE EMERGENCY CHIMNEY UPDATE WAIVER FORM

Dear Consumer: The State of Maine, Maine Fuel Board adopted the National Fire Protection Association (NFPA) standard # 31 (1997 edition) which requires that, before an existing oil fired appliance is replaced with a new appliance, the chimney to which it is connected must be lined with an approved lining system. This regulation is intended to protect you, the consumer.

When an emergency situation arises that does not allow adequate time to get the chimney lined and/or repaired before installing the new heating appliance, the licensee may grant a waiver of up to ninety (90) days to make required repairs. It is the licensee's responsibility to ensure that the installation meets all standards adopted by the Board and the manufacturer's instructions. The licensee must either install or have installed the required liner or make the proper repairs within the 90 day time period. In cold weather an emergency situation may include, but is not limited to, situations of serious equipment failure, such as a cracked heat exchanger of a warm air furnace or a leaking boiler. Emergency situations may also include failure of equipment that generates hot water, and the unavailability of a chimney professional.

A copy of this waiver must be provided to the building owner and the Maine Fuel Board.

INSTALLER INFORMATION

Name of Installer:		
D/B/A		
Mailing Address:		
City:	State:	Zip Code:
County:	Home Telephone: (_____)_____- _____ Work Telephone: (_____)_____- _____	

By my signature, I certify that I will follow-up within ninety (90) days to ascertain if the liner has been installed.

Signature of Installer:

Date: _____

CONSUMER INFORMATION

Consumer's Name:

Mailing Address:

City:

State:

Zip Code:

County:

Home Telephone: (_____) _____ -

Work Telephone: (_____) _____ -

By my signature, I certify that I am aware that, if I do not get my chimney lined, I may be in violation of State of Maine Law, 32 MRSA Chapter 139 and a Maine Fuel Board Compliance Officer may contact me.

Signature of Consumer:

Date: _____

APPENDIX G
STATE OF MAINE
CHIMNEY OR FIREPLACE CONSTRUCTION/INSTALLATION DISCLOSURE

Dear Consumer: As of January 1, 1992, State law, specifically 32 MRSA §18108, requires that chimney or fireplace installers provide you with this "Disclosure" prior to the installation or construction of your chimney or fireplace. The purpose of this Disclosure is to inform you that the National Fire Protection Standard #211 (NFPA #211) is the current standard which applies to all new construction of chimneys and fireplaces. Please note that the State of Maine does not require registration or licensure of chimney or fireplace installers. It is important to realize that many fires are caused each year from improperly constructed fireplaces and chimneys. This disclosure form should help you in making an informed decision as to the abilities of the installer and under what requirements the installation must comply.

INSTALLER INFORMATION

Name of Installer:		D/B/A:	
Name of Installer (if incorporated):		D/B/A:	
Legal Address:			
City:	State:	Zip Code:	
County:	Home Telephone: (____) _____ - _____		
	Work Telephone: (____) _____ - _____		
Years of experience doing fireplace or chimney installations:			

CONSUMER INFORMATION

Name of Consumer:		
Mailing Address:		
City:	State:	Zip Code:
County:	Home Telephone: (____) _____ - _____	
	Work Telephone: (____) _____ - _____	

Installer, please give a brief description of installation being offered: _____

I hereby attest that the preceding information provided is true to the best of my knowledge. I also understand that if I fail to conform with the standards as outlined in NFPA #211 that I shall be subject to penalties as outlined in Title 32, MRSA, Chapter 139 and the Maine Fuel Board Rules.

Signature of Installer: _____ Date: _____

Chapter 201: DEFINITIONS

Summary: This Chapter is promulgated to clarify wording of the law and further clarify statutory definitions.

1. **APPLIANCE CONNECTION AND SERVICE TECHNICIAN.** Appliance Connection and Service Technician means a person licensed by the Board with the Appliance Connection and Service Technician endorsement. This person is permitted to perform the following tasks: (1) Install and repair all inside or outside piping that is attached to the building, from the outlet of the valve, meter, or second stage regulator based upon whichever is closest to the customers piping, to the gas utilization equipment; and (2) Install, adjust and repair all customer owned gas utilization equipment including the fuel train, electrical systems, and venting systems that are associated with the correct operation of the equipment.
2. **BOARD APPROVED TRAINING PROGRAM.** Board approved training program means a training program approved by the Board as qualified to prepare candidates to sit for the examination. The training program must include a segment on Skills as defined in this Chapter.
3. **CETP.** CETP means the National Propane Gas Association's Certified Employee Training Program.
4. **DELIVERY TECHNICIAN.** Delivery Technician means a person licensed by the Board with the Delivery Technician endorsement. This person is permitted to perform the following tasks: (1) Inspect and maintain propane delivery vehicles; (2) Fill propane containers and cargo tanks on bulk delivery trucks; and (3) Make propane deliveries of either cylinders or bulk propane to customer locations.
5. **DIRECT SUPERVISION.** Direct supervision means a licensed propane and natural gas technician providing direct and constant guidance to a propane and

- natural gas helper. A technician cannot provide guidance to a helper outside the scope of his/her license endorsement.
6. **LARGE EQUIPMENT CONNECTION AND SERVICE TECHNICIAN.** Large Equipment and Service Technician means a person licensed by the Board with the Large Equipment Connection and Service Technician endorsement to install and service propane and natural gas appliances and indoor piping over 500,000 BTUs per appliance.
 7. **PLANT OPERATOR.** Plant Operator means a person licensed by the Board with the Plant Operator endorsement. This person is permitted to perform the following tasks: (1) Fill and remove propane from railroad cars, tractor trailers, trucks, transports or bobtails as required; (2) Fill and remove propane from storage containers, and repair propane storage containers as needed including valves and gauges; and (3) Perform requalification testing on storage tanks as necessary.
 8. **PROPANE AND NATURAL GAS HELPER.** A propane and natural gas helper means a person licensed as a helper to assist in making propane and natural gas installations under the direct supervision of a licensed propane and natural gas technician.
 9. **SELF-SERVICE DISPENSER.** A self-service dispenser is a device or system designed to measure and transfer volumes of propane or natural gas into permanently mounted fuel containers on vehicles, which dispenser meets the requirements set forth in 32 MRSA §18142.
 10. **SHALL.** Shall where used in these rules means that the provisions are mandatory in all cases.
 11. **SKILLS.** The hands-on portion of the Board approved training required for candidates to sit for the examination.
 12. **SKILLS AFFIDAVIT.** An affidavit furnished by the Board and signed by a licensed technician who has personally trained the applicant. The training provided must be within the scope of the technician's license endorsement.
 13. **TANK SETTER/OUTSIDE PIPING TECHNICIAN.** Tank Setter/Outside Piping Technician means a person licensed by the Board with the Tank Setter/Outside Piping Technician endorsement. This person is permitted to perform the following tasks: (1) Determine the correct location of and set above or below ground Propane Tanks; (2) Install or maintain pumps or vaporizers associated with product delivery on an end users site; (3) Install or repair underground or above ground piping, risers, valves, regulators or other fittings up to the outlet of the

valve, meter, or second stage regulator based on whichever is closest to the customer owned piping; and (4) Transport propane for the purpose of setting a tank.

- 14. THIRD-PARTY EXAMINATION.** Third-party examination means an examination conducted by a person or entity that does not have a vested interest in the outcome of that examination.
- 15. UNVENTED EQUIPMENT.** The Board adopts and incorporates herein the definition of Unvented Equipment as set forth in the National Fire Protection Association Standard #54.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-448

Summary: This rule establishes guidelines relating to meetings, advisory rulings, and maintenance of records.

1. MEETING NOTICES

The Department shall be responsible for distributing meeting notices to the board members and to others as required by statute or rule. Upon request, notices may also be provided to others deemed to have an interest in the business before the Board.

2. MEETING AGENDAS

1. An agenda for meetings shall be prepared by the Department and shall include business requiring consideration or action by the board members. The agenda shall also include all business items requested by the Board members provided such request is received by the Board at least ten days in advance of the meeting.
2. Business not included on the agenda may be considered following an affirmative vote of a majority of the board members present.

3. RECORDS

The Department shall maintain a record of all business conducted by the Board and shall preserve, subject to the provisions of 5 MRSA Chapter 6, all books, documents and papers entrusted to their care. Records shall be opened to public inspection subject to 1 MRSA Chapter 13. Delays in making records available for inspection may be occasioned by action necessary to preserve the security of records, to obtain legal advice, or to avoid disrupting regular business activities and for these reasons, it is recommended that requests be submitted three business days in advance of anticipated inspection.

Access to written communication with the Department of the Attorney General, criminal history records, materials relating to license examinations, pending complaints, and other records may be restricted subject to 1 MRSA Chapter 13 and other applicable laws.

4. ADVISORY RULINGS

1. Authority and Scope

The Board may issue an advisory ruling pursuant to 5 MRSA §9001 concerning the applicability to an existing factual situation of any statutes or rule it administers. Each request shall be reviewed individually by the Board to determine whether an advisory ruling is appropriate. The Board may, at its discretion, decline the request for an advisory ruling. An advisory ruling is not legally binding upon the Board pursuant to Title 5 MRSA §9001 of the Administrative Procedure Act.

2. Submission

A request for an advisory ruling shall be submitted to the Board in writing and shall set forth in detail all facts pertinent to the question. The Board may require the submission of additional information as necessary to complete a factual background for a ruling by the Board.

3. Ruling

An advisory ruling shall be in writing and shall include a statement of facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, shall be sufficiently detailed to apprise the reader of the basis of the opinion. A ruling shall be rendered with the assent of four members of the Board. An advisory ruling shall be signed by the Chairperson of the Board, shall be identified specifically as an advisory ruling, and shall be numbered serially.

4. Publication

An advisory ruling shall be mailed to the requesting party and a copy shall be kept by the Board Administrator. An advisory ruling is a public document and shall be available for public inspection during the normal working hours of the Board. In addition, the Board, as it deems appropriate, may otherwise publish or circulate an advisory ruling.

STATUTORY AUTHORITY: 5 MRSA §§8051, 9001(4); 32 MRSA §18123(2);
PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-449

Summary: This Chapter sets forth the requirements for licensure, registration, permits, and reciprocity for licensure with other states.

1. PROPANE AND NATURAL GAS TECHNICIAN LICENSE

1. Application for a license as a Propane and Natural Gas Technician shall be made on forms supplied by the Board together with:
 - A. Payment of the license fee;
 - B. For persons working as a technician in the propane and natural gas industry prior to January 1, 1996, proof of successful completion of license examination from the testing company for the endorsement requested on the application;
 - C. For persons entering the propane and natural gas industry after January 1, 1996, proof of successful completion of license examination from the testing company for the endorsement requested on the application and a certificate of successful completion of a Board approved training program. The applicant must submit an affidavit signed by a licensed technician within the scope of the licensee's license endorsement stating that skills have been completed. Applicants must notify the Board of completion of skills within one year from date of examination or the examination scores will be null and void; or
 - D. Proof of successful completion of CETP. The Board will accept a copy of the applicant's wall certificate issued by National Propane Gas Association as proof of completion. The wall certificate submitted must be specific to the license endorsement requested.
2. In order to become licensed as a technician with the Large Equipment Connection and Service Technician endorsement, an applicant must either:

- A. Hold a license as a technician with the Appliance Connection and Service Technician endorsement and
 - (1) Pass the Large Equipment Connection and Service Technician examination adopted by the Board or
 - (2) Successfully complete the Large Equipment Connection and Service Technician CETP certification. The Board will accept a copy of the applicant's wall certificate issued by National Propane Gas Association as proof of completion; or
 - B. Present proof to the Board of passage of the Appliance Connection and Service Technician examination or successful completion of the Appliance Connection and Service Technician CETP certification, and
 - (1) Pass the Large Equipment Connection and Service Technician examination adopted by the Board or
 - (2) Successfully complete the Large Equipment Connection and Service Technician CETP certification. The Board will accept a copy of the applicant's wall certificate issued by National Propane Gas Association as proof of completion.
3. Identification of Licensee
- A person licensed as a Propane and Natural Gas Technician pursuant to 32 MRSA §18135 shall be issued a pocket card, which will include the name of the person licensed, the number and type of endorsement, and the time period for which the license is valid. The licensee shall carry the pocket card when acting in the course of the trade and must display the pocket card upon request.
4. All renewal notices will be sent to the licensee's last known address. The licensee is responsible for notifying the Board of any change in address.
5. Responsibility of the Technician Regarding Helpers
- A. A licensed Propane and Natural Gas Technician is not permitted to provide guidance to a helper outside the scope of his/her license endorsement.

2. DISPENSING STATION REGISTRATION

1. Application for registration of a dispensing station shall be made on forms supplied by the Board together with:
 - A. Payment of the registration fee; and
 - B. An affidavit stating that the holder of the limited operator's license has been trained according to the requirements and provisions of 32 MRSA §18142.
2. Each dispensing station must employ an operator who holds a limited operator's license and is responsible for training on-site non-licensed dispensing station operators. The training documentation required will include the Propane Gas Association of New England's dispensing station operator's manual and the National Propane Gas Association Video entitled, "Fill It or Not" or equivalent materials approved by the Board. A record of this training for all operators must be maintained on-site at all times and be available for inspection.

3. DISPENSING STATION WITH SELF-SERVICE DISPENSER REGISTRATION

1. Application for registration of a dispensing station with a self-service dispenser shall be made on forms supplied by the Board. The application shall be filed together with:
 - A. Payment of the registration fee; and
 - B. An affidavit stating that the holder of the limited operator's license has been trained according to the requirements and provisions of 32 MRSA §18142.
2. In the event that the applicant also is a dispensing station utilizing nonself-service dispensers, an application relating to its operations utilizing as nonself-service dispensers shall also be filed in compliance with Chapter 203, Section 2. The payment of the registration fee shall be included with the application.
3. Each dispensing station with a self-service dispenser shall employ an operator who holds a limited operator's license and is responsible for training on-site non-licensed self-service dispensing station operators. The training documentation required will include the Propane Gas Association of New England's dispensing station operator's manual and the National Propane Gas Association Video entitled, "Fill It or Not" or equivalent

materials approved by the Board. A record of this training for all operators must be maintained on-site at all times and be available for inspection.

4. All dispensing stations with self-service dispensers shall have at least one trained operator on duty while the station is open for business. The operator's primary function shall be to supervise, observe, and control the dispensing of propane & natural gas while said products are actually being dispensed.
5. It shall be the responsibility of the operator on duty to:
 - A. Prevent the dispensing of propane & natural gas into portable containers;
 - B. Prevent the use of hose nozzle valve latch-open devices that are not recommended by the valve manufacturer;
 - C. Control sources of ignition; and
 - D. Immediately activate emergency procedures pertaining to the site.

4. LIMITED OPERATOR LICENSE

1. The owner of a dispensing station covered by §2 or §3 hereof must file an application for the individual to be designated as the holder of its limited operator license on a form supplied by the Board. The application must be filed within 14 days of hire in that position. The application must be accompanied by an affidavit from the dispensing station owner stating that the proposed holder of the limited operator's license has been trained in accordance with the requirements and provisions of 32 MRSA §18142. Operator training, as described in 32 MRSA §18142, must occur on an annual basis and must be documented at the time of license renewal on a form supplied by the Board. A limited operator's license shall expire either on the date set forth on the license or upon termination of the licensee's employment with the dispensing station operator who filed the application, whichever occurs first.
2. No person under the age of 18 shall operate a dispensing station.

5. TEMPORARY PERMIT FOR PLANT OPERATORS AND DELIVERY TECHNICIANS

1. An applicant applying for a temporary permit for a plant operator and/or delivery technician must file an application on a form supplied by the Board.
2. The applicant must file an affidavit supplied by the Board and signed by the owner and/or operator verifying that the applicant has completed job function training specific to bulk plant operators and/or delivery technicians.
3. The applicant must register with the Board within 90 days of hire and become licensed within one (1) year. An applicant may only apply and receive one (1) temporary permit every three (3) years.

6. DISPLAY OF LICENSE

All licenses and registrations must be displayed as follows:

1. A valid registration for a dispensing station shall be conspicuously displayed with the name of the licensee, license number and expiration date visible at all times.
2. All persons licensed by the Board shall receive a certificate, which must be publicly displayed at the principal place of business or, if no such place of business exists, must be carried on the person at all times and displayed upon request.

Defacing or altering any license or registration is prohibited.

7. PROPANE AND NATURAL GAS HELPER LICENSE

1. Application for a helper license shall be made on forms supplied by the Board and be accompanied by payment of the license fee.
2. The minimum age for eligibility for a Helper license is 18.

8. LIMITED ENERGY AUDITOR TECHNICIAN

1. Application and Licensure

- A. In order to qualify for a limited energy auditor technician license, an applicant must provide evidence of satisfactory completion of the Certified Building Analyst 1 certification test and field examination offered by the Building Performance Institute, the equivalent Maine residential energy auditor certification program, or an equivalent training program acceptable to the Board.
- B. Each applicant for a limited energy auditor technician license as set forth in 32 MRSA §18139 shall apply by completing and submitting forms provided by the Board, together with evidence of satisfactory completion of the Certified Building Analyst 1 certification test and field examination offered by the Building Performance Institute, the equivalent Maine residential energy auditor certification program, or an equivalent training program acceptable to the Board.
- C. Experience gained as a limited energy auditor technician may not be used to satisfy the prerequisites for licensure as a propane and natural gas technician's license for any endorsement.

2. Scope of Practice

- A. A limited energy auditor technician is limited to performing combustion safety and efficiency testing on natural gas-fired or propane gas-fired space heating or water heating equipment. Limited energy auditor technicians may not make any adjustments to natural gas-fired or propane gas-fired space heating or water heating equipment.
- B. Prior to performing a combustion safety and efficiency test, a limited energy auditor technician shall obtain the manufacturer's installation and operating instructions for the specific equipment to be tested.
- C. A limited energy auditor technician shall observe all provisions of the manufacturer's installation and operating instructions when performing a combustion safety and efficiency test, including but not limited to any restrictions or limitations relating to equipment access and exhaust pipe penetration.

- D. The limited energy auditor technician shall provide a copy of the test results to the homeowner. If the combustion efficiency test results do not fall within the guidelines contained in the manufacturer's installation and operating instructions, the limited energy auditor technician shall notify the homeowner and occupant in writing.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-450

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

658 MAINE FUEL BOARD

Chapter 204: EXAMINATION REQUIREMENTS

Summary: This Chapter sets forth the requirements necessary to be approved to sit for an examination and other specific information pertaining to the examination.

1. EXAMINATION WAIVER

Any person who has successfully completed and passed CETP shall not be required to sit for the examination.

2. EXAMINATION; QUALIFICATIONS

1. Pursuant to 32 MRSA §14807(5), any person working as a technician in the propane or the natural gas industry before January 1, 1996 is deemed qualified to sit for a license examination.
2. Persons entering the propane and natural gas industry after January 1, 1996 must complete a Board approved training program, other than the Skills portion, to be deemed qualified to sit for a license examination; however, a license will not be issued until the applicant has completed Skills as evidenced by the Skills Affidavit. Applicants must notify the Board of completion of Skills within one (1) year from date of examination or the examination scores will be null and void.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-451

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

658 MAINE FUEL BOARD

Chapter 205: INSTALLATION STANDARDS

Summary: This Chapter sets forth the standards for installation of propane and natural gas equipment in the State of Maine.

1. INSTALLATION OF PROPANE AND NATURAL GAS EQUIPMENT

1. The Board adopts and incorporates herein the following editions of technical standards or codes. All installations and servicing of any propane and natural gas equipment must comply with the applicable requirements of both these and any additional standards imposed by Title 32 MRSA §18101 *et seq.* and these rules.
 - A. NFPA 54, *National Fuel Gas Code*
2009 edition
 - B. NFPA 58, *Liquefied Petroleum Gas Code*
2008 edition
 - C. NFPA 59, *Utility LP-Gas Plant Code*
2008 edition
 - D. NFPA 59A, *Standard for the Production, Storage & Handling of Liquefied Natural Gas (LNG)*
2009 edition
 - E. NFPA 211, *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*
2006 edition

The above standards may be purchased from:

NFPA Publications:

National Fire Protection Association
1 Batterymarch Park
P.O. Box 9101
Quincy, MA 02269-9101
Telephone: 1-800-344-3555

2. Installations of propane and natural gas must also comply with all other applicable statutes or rules of the State and all applicable ordinances, orders, rules, and regulations of local municipalities.
3. Department of Transportation cylinders in permanent installations must rest on noncombustible materials.
4. Bulk plant or dispensing station remotely controlled actuators on internal valves and emergency shut-off valves must not be operated with a flammable gas.
5. Exceptions
 - A. NFPA 54, Chapter 9.1.2, *Installation in a Bedroom or Bathroom*. The use of unvented heaters in bedrooms and bathrooms is prohibited.
 - B. NFPA 58, Chapter 2.2.1.5, *LP-Gas Equipment and Appliances*. The recertification requirements of any Department of Transportation cylinder (100 lb. capacity and larger) which is filled at a customer's location and installed as a stationary installation prior to July 1, 2004 may be delayed to allow for a "Phase In" period in accordance with the following table.

As of Nov. 1	Cylinder Manufacture Date Or a Water Jacket Type 12 yr. Hydrostatic Test Date	7 Year Simple Hydrostatic Test	5 Year Visual Inspection
2004	1/1/1955 & Prior	1/1/1955 & Prior	1/1/1955 & Prior
2005	1/1/1960 & Prior	1/1/1960 & Prior	1/1/1960 & Prior
2006	1/1/1965 & Prior	1/1/1965 & Prior	1/1/1966 & Prior
2007	1/1/1970 & Prior	1/1/1970 & Prior	1/1/1972 & Prior
2008	1/1/1975 & Prior	1/1/1975 & Prior	1/1/1978 & Prior
2009	1/1/1980 & Prior	1/1/1981 & Prior	1/1/1984 & Prior
2010	1/1/1985 & Prior	1/1/1987 & Prior	1/1/1990 & Prior
2011	1/1/1990 & Prior	1/1/1993 & Prior	1/1/1996 & Prior
2012	1/1/1995 & Prior	1/1/1999 & Prior	1/1/2002 & Prior
2013	1/1/2001 & Prior	1/1/2006 & Prior	1/1/2008 & Prior

Any cylinder that does not have a legible manufacture date or retest date will be considered out of compliance.

- C. NFPA 211, *Chimneys, Fireplaces, Vents, and Solid Fuel Appliances*. The Board does not adopt the following Sections of Chapter 13.
 - (1) Section 13.2, *Annual Inspection*, the reference to the requirements of Section 14.3;
 - (2) Section 13.4.1 of Section 13.4, *Appliance or Connector Replacement*, the reference to Chapter 14; and
 - (3) Section 13.7.2 of Section 13.7, *Evidence of Damage*.
- D. NFPA 211, Chapter 14, *Inspection of Existing Chimneys*. The Board does not adopt Chapter 14, *Inspection of Existing Chimneys*.

2. LOW WATER CONTROL FOR HOT WATER BOILERS

1. All hot water boilers installed or converted after January 1, 1999, must be provided with a low-water cut off.

Exception: This requirement pertains to the installation of the pressure vessel only. All boilers, whether steam or hot water, installed after January 1, 1999, must be protected by a low-water cut off. Steam boilers, regardless of installation date, are required to be protected with a low-water cut off.

2. The low-water cut off may be installed in or attached to the boiler at the level recommended by the boiler manufacturer, but in no case shall the low-water cut off be installed below the crown sheet. The low-water cut off, when not installed directly in the boiler, may be installed either in the main supply line (Vertical riser) as close to the boiler as possible, or in a water column of continuous piping attached directly to the boiler.
3. The low-water cut off must be designed and approved for the medium used (steam or water).
4. No valves or other obstructive devices shall be installed between the boiler and safety controls.

3. INSTALLATION OF SELF-SERVICE DISPENSING STATIONS

1. All installations of self-service dispensers at dispensing stations must comply with the following:
 - A. Operating instructions must be conspicuously posted in the dispensing area.
 - B. The dispensing area must be in clear view of the operator on duty at all times.
 - C. The operator must be able to communicate with persons in the dispensing area at all times.
 - D. Warning signs incorporating the following or equivalent wording must be conspicuously posted in the dispensing area:
 - (1) "The filling of portable propane and natural gas containers is prohibited;"
 - (2) "No Smoking;"

- (3) “Stop Motor and Extinguish All Pilots - Extinguish all pilots and gas ignition systems. All appliances must be in the “off” position;” and
 - (4) “Remove All Occupants from Vehicles Containing Propane Appliances.”
- E. The dispensing station must have an emergency breakaway device under the dispensing unit that will retain the product on both sides of the breakaway point or other devices affording the equivalent protection.
- F. The dispensing station must have a thermally activated shut off.
- G. Dispensing devices for compressed natural gas, liquefied natural gas, and liquefied petroleum gas must be listed.
- H. Listed hose assemblies must be used to dispense fuel. Hose length at automotive service stations must not exceed 18 feet (5.5 meters).
- I. Dispenser Installations Beneath Canopies. Where compressed natural gas or liquefied natural gas dispensers are installed beneath a canopy or enclosure, the following must apply:
 - (1) The canopy or enclosure must be designed to prevent accumulation or entrapment of ignitable vapors; and
 - (2) All electrical equipment installed beneath the canopy or enclosure must be suitable for Class I, Division 2 hazardous (classified) locations.
- J. Dispensing devices for liquefied petroleum gas must meet all applicable requirements of NFPA 58, Liquefied Petroleum Gas Code, and must incorporate a dispensing nozzle that releases not more than 6 cubic centimeters of liquid Liquefied Petroleum Gas upon disconnection.
- K. Dispensing devices for liquefied petroleum gas must be located not less than 5 feet from any dispensing device for Class I liquids.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-452

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

658 MAINE FUEL BOARD

**Chapter 206: COMPLAINTS, INVESTIGATIONS AND ADJUDICATORY
HEARINGS**

Summary: This Chapter describes the procedure by which complaints and adjudicatory hearings will be handled by the Board.

1. WRITTEN COMPLAINTS

Complaints are filed in accordance with procedures established by the Department of Professional & Financial Regulation, Office of Licensing & Registration. To receive a copy of the complaint procedure or to file a written complaint, contact:

Office of Licensing & Registration
Complaints & Investigations Unit
35 State House Station
Augusta, ME 04333-0035
Tel: 207/624-8603

2. OTHER INVESTIGATIONS

An investigation may be conducted based upon information other than a written complaint, if such information provides prima facie evidence of a violation of 32 MRSA Chapter 139 or if the information raises a substantial question regarding the qualifications of any applicant or licensee.

3. BOARD MEMBER REQUEST FOR INVESTIGATION

A member of the Board may file a complaint or request an investigation, but such complaint or request shall serve to disqualify that member from participating in the Board's disposition of that complaint. The complaining Board member shall be prohibited from discussing the issue with other members, except as a witness or party to the proceeding, until after final agency action and the time for appeal has lapsed or appeal rights have been exhausted.

4. PROHIBITED COMMUNICATIONS

The Board members shall avoid discussing, except with adequate notice and opportunity for all parties to participate, any specific case under investigation, or any case which may reasonably be expected to be the subject of investigations, until after final agency action and the time for filing an appeal has lapsed or appeal remedies have been exhausted, except in accordance with the Standard Complaint Procedure of the Department of Professional and Financial Regulation, Office of Licensing and Registration. This rule shall not be construed to limit the Board members at a Board meeting from discussing among themselves or with the attorney for the Board. This rule shall not be construed to limit communications regarding matters which have reached final disposition, investigatory procedures in general, inquiries regarding the procedural status of a specific case, or other matters not relating to issues of fact or law concerning a specific case.

5. ADJUDICATORY HEARINGS

Board hearings shall conform to the requirements of the Maine Administrative Procedure Act, 5 MRSA Chapter 375.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-453

**Chapter 208: PERMITS FOR ABOVEGROUND AND UNDERGROUND
PROPANE AND NATURAL GAS STORAGE FACILITIES AND
ROOFTOP INSTALLATIONS**

Summary: This Chapter sets forth the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations in the State of Maine.

1. INSTALLATION

1. Aboveground and underground propane and natural gas storage facilities. Installations of aboveground and underground propane and natural gas storage facilities utilizing storage containers of over 2000 gallon individual water capacity, or with aggregate water capacity exceeding 4000 gallons, shall be submitted to the Board for approval and permitting.
2. Rooftop installations. All rooftop installations shall be installed in accordance with NFPA #58 and submitted to the Board for approval and permitting.

2. APPLICATION PROCEDURE

An application for a permit shall be made on a form supplied by the Board together with payment of the permit fee. Said application shall be accompanied by detailed plans including a cross-sectional view, front and side elevations, and plot plans. A permit must be obtained prior to commencement of the installation or alteration. Any physical change that would increase the tank capacity or alter the operation of the facility requires that a new application be filed and permit issued.

3. INSPECTION REQUIRED

When the installation or alteration is completed, the person making the installation or alteration shall notify the State Propane and Natural Gas Inspector. The inspector shall inspect the installation within a reasonable time so as not to

cause undue delay in the progress of the construction contract or installation. The inspector shall determine whether the installation complies with all applicable statutes and rules. If the inspector determines that the installation does not comply, the procedures set forth in 32 MRSA §18110 apply.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2)

EFFECTIVE DATE:

December 20, 2011 – filing 2011-454

Summary: This Chapter allows the Board to authorize modifications to installation under unusual circumstances. This Chapter provides the Board the discretion to alter installation standards after appropriate technical consideration.

1. Where the circumstances or conditions of any particular installation are unusual as to render the strict application of a standard imposed by Board rules impractical, the Board, or its designees (Propane and Natural Gas Inspector located at the Department of Professional and Financial Regulation), may permit such modifications as will provide a substantially equivalent degree of safety and be consistent with good engineering practice.
2. Application for permission to deviate from installation standards and rules imposed by the Board shall be made in writing prior to commencement of the installation and shall document why compliance with a prescribed standard is technically impractical and how the proposed modification would meet the equivalent degree of safety. The Board may request any additional information it deems necessary to assure that the modification provides a reasonable degree of safety.
3. The Board may grant authority to deviate from a particular standard(s) or rule(s). Such decision shall be in writing prior to commencement of the installation, and shall convey authority to adopt modifications only for the specific installation described in the application and no other.

STATUTORY AUTHORITY: 32 MRSA §18123(2); PL 2009, c. 344, sec. D-15(2); NFPA #58, 1-1.4, 1998 edition

EFFECTIVE DATE:

December 20, 2011 – filing 2011-455

Chapter 10: ESTABLISHMENT OF LICENSE FEES

Summary: This chapter establishes fees for professional and occupational licenses and registrations issued by the Office of Licensing and Registration.

1. DEFINITIONS

Unless the context otherwise indicates, the following words have the following meanings:

1. **3d party.** “3d party” refers to a fee for a standardized license examination that is paid directly by the applicant to the organization administering the examination or its designee.
2. **OLR.** “OLR” means the Office of Licensing and Registration.

2. ESTABLISHMENT OF FEES; EFFECTIVE DATES

OLR shall charge the license and other fees indicated in §§ 3 and 5 below. For initial licenses, and for applications and examinations, the fees set out below shall become effective upon the effective date of this chapter. For renewal licenses, the fees set out below shall become effective with the first renewal cycle occurring on or after the effective date of this chapter.

The license and other fees of OLR boards and regulatory functions not listed below are set by the statute and implementing rules governing the particular board or regulatory function.

3. FEES APPLICABLE TO ALL BOARDS AND REGULATORY FUNCTIONS LISTED IN §4

Except as otherwise indicated, the fees listed in this section apply to all boards and regulatory functions listed in §5 below:

1. Replacement license..... \$10
2. Verification of licensure..... \$25

3. Photocopies No charge for first 7 pages, 25¢ for each page thereafter
4. Licensee register list on diskette or CD-ROM \$25

4. REFUNDS

If an applicant applies for a license listed in §5 for which a separate application fee is charged, the license fee will be refunded if the license is denied. All other fees listed in §§ 3 and 5 are nonrefundable.

5. FEES TO BE CHARGED FOR PARTICULAR OCCUPATIONAL AND PROFESSIONAL LICENSES AND REGISTRATIONS AND RELATED FEES

The following fees shall be charged for the licenses, registrations, permits and other services listed in subsections 1–40 below. For any given license or registration, the designated fee shall apply to both initial issuance and renewal unless otherwise indicated. The term of a license or registration ends on the uniform expiration or renewal date established for that license or registration by law.

17-A. Maine Fuel Board

Master Oil and Solid Fuel Burning Technician	2 yr	\$200
Journeyman Oil and Solid Fuel Burning Technician	2 yr	\$100
Apprentice Oil and Solid Fuel Burning Technician	2 yr	\$40
Propane and Natural Gas Technician	2 yr	\$100
Propane and Natural Gas Helper	2 yr	\$20
Temporary License: Plant Operator or Delivery Technician	1 yr	\$20
Limited Oil Energy Auditor	2 yr	\$50
Limited Propane and Natural Gas Energy Auditor	2 yr	\$50
Limited Tank Installer	2 yr	\$50
Limited Wood Pellet Technician	2 yr	\$50
Dispensing Station	2 yr	\$130
Aboveground and underground propane and natural gas storage facilities and rooftop installations	NA	\$50
Application	NA	\$25
Examination	NA	3d party
Late renewal: 91 days - 2 yrs	NA	\$50

Chapter 11: LATE RENEWALS

SUMMARY: This chapter establishes a uniform policy regarding the treatment of late renewals of licenses issued by the licensing boards and regulatory functions within the Office of Licensing and Registration (“OLR”).

1. Applicability

This chapter applies to the OLR licensing boards and regulatory functions enumerated in 10 MRSA §8001(38). For those programs, this chapter supersedes existing statutory and rule provisions dealing with the consequences of late renewal.

2. Late Renewal Within 90 Days of Expiration

1. A licensee who applies for renewal after expiration of the license but within 90 days of expiration shall pay a late renewal fee of \$50. The license will be issued as of the date of late renewal and will not be retroactive to the expiration of the prior license.
2. The licensee is considered to have been unlicensed from the date of expiration to the date of late renewal.
3. A licensee who applies for renewal within 90 days after expiration and pays the \$50 late renewal fee will not be subject to disciplinary action by the licensing authority for unlicensed practice during the period of nonlicensure. The licensee will remain subject to disciplinary action for all other violations.

3. Late Renewal Beyond 90 Days of Expiration

A licensee who fails to renew within 90 days after expiration shall be subject to:

1. Applicable administrative and judicial penalties for all unlicensed practice that occurred subsequent to expiration; and
2. Applicable statutory provisions relating to late renewal.

4. Notice

Licensees who fail to timely renew shall be notified of the consequences of late renewal as soon as practicable after expiration.

STATUTORY AUTHORITY: 32 MRSA §8003(2-A)(E)

EFFECTIVE DATE:

September 9, 2001

